

Introduced 01.05.2026
 Public Hearing 01.20.2026
 Council Action 02.02.2026
 Executive Action 02.06.2026
 Effective Date 04.08.2026

County Council Of Howard County, Maryland

2026 Legislative Session

Legislative Day No. 1

Bill No. 3 -2026 (ZRA 218)

Introduced by: The Chairperson at the request of the County Executive

Short title: Accessory Dwelling Units- Allowed by right in certain zoning districts, under certain conditions.

Title: AN ACT amending the Howard County Zoning Regulations to allow accessory dwelling units in Howard County under certain conditions; to define certain terms; ~~to allow two-family dwellings as a matter of right in the RC, RR, R-ED, R-20 and R-12 Zoning Districts under certain conditions;~~ to substitute accessory dwelling unit for accessory apartment and to allow accessory dwelling units as accessory uses in the R-H-ED, R-A-15, R-APT, R-MH, R-VH, HO, HC, TOD, CAC and TNC Zoning Districts, under certain conditions; to substitute accessory dwelling units for temporary accessory family dwellings in certain zoning districts; to make certain technical corrections; and generally relating to the Howard County Zoning Regulations.

Introduced and read first time Jan 5, 2026. Ordered posted and hearing scheduled.

By order Michelle Harrod
 Michelle Harrod, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on Jan 20, 2026.

By order Michelle Harrod
 Michelle Harrod, Administrator

This Bill was read the third time on Feb 2, 2026 and Passed ✓, Passed with amendments ✓, Failed _____.

By order Michelle Harrod
 Michelle Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 3 day of Feb, 2026 at 5⁰⁰ a.m./p.m.

By order Michelle Harrod
 Michelle Harrod, Administrator

Approved/Vetoed by the County Executive Feb 6, 2026

Calvin Ball
 Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment

1 *Section 1. Be It Enacted by the County Council of Howard County, Maryland, that the Howard*
2 *County Zoning Regulations, as amended by Council Bill No. 74-2025 that is effective on*
3 *February 8, 2026, are amended as follows:*

4 1. *By amending*

5 *Section 103.0: Definitions*

6 a. *To amend the definitions of accessory apartment; density; dwelling, two-family;*
7 *dwelling unit; and kitchen*

8 b. *To remove the definition of dwelling, accessory apartment and dwelling,*
9 *temporary accessory family*

10 c. *To define short-term rental.*

11
12 2. *By amending*

13 *Section 104.0: RC (Rural Conservation) District*

14 *Subsections B and C*

15
16 3. *By amending*

17 *Section 105.0: RR (Rural Residential) District*

18 *Subsections B and C*

19
20 4. *By amending*

21 *Section 106.1: County Preservation Easements*

22 *Subsections C and D*

23
24 5. *By amending*

25 *107.0: - R-ED (Residential: Environmental Development) District*

26 *Subsections B, C and D.2.*

27
28 5. *By amending*

29 *108.0: R-20 (Residential: Single) District*

30 *Subsections B and C*

6. *By amending*
Section 109.0: R-12 (Residential: Single) District
Subsections B, C and D.2.
7. *By amending*
Subsection C.2. of the following
Section 110.0: R-SC (Residential: Single Cluster) District
Section 111.0: R-SA-8 (Residential: Single Attached) District
8. *By amending*
Subsection C of the following:
Section 111.1: R-H-ED (Residential: Historic-Environmental) District
Section 112.0: R-A-15 (Residential: Apartments) District
Section 112.1: R-APT (Residential: Apartments) District
Section 113.1: R-MH (Residential: Mobile Home) District
Section 114.1: R-VH (Residential: Village Housing) District
Section 114.2: HO (Historic: Office) District
Section 114.3: HC (Historic: Commercial) District
Paragraph 1 of Subsection C of Section 126.0: PGCC (Planned Golf Course Community) District
Section 127.5: CAC (Corridor Activity Center) District
9. *By amending*
Subsection D of the following:
Section 127.4: TOD (Transit Oriented Development) District
Section 127.6: TNC (Traditional Neighborhood Center) District
10. *By amending*
Paragraphs 12 and 13 of Subsection A
Section 128.0: Supplementary Zoning District Regulations

11. *By amending*
Paragraphs 3 of Subsection G
Section 128.0: Supplementary Zoning District Regulations
12. *By amending:*
Subsection N, Conditional Uses and Permissible Zoning Districts
Section 131.0: Conditional Uses
- a. The Conditional Uses and Permissible Zoning District Chart, the rows for Dwelling, Accessory Family and Two-family Dwellings and Accessory Apartments*
 - b. Paragraph 18, Dwelling, Temporary Accessory Family*
 - c. Paragraph 19, Farm Tenant House*
 - d. Paragraph 20, Fast Food Restaurant*
 - e. Paragraph 21, Funeral Homes and Mortuaries*
 - f. Paragraph 22, Gases, Non-Toxic Industrial (Manufacture, Sale, Storage and Distribution)*
 - g. Paragraph 23, Gasoline, Fuel Oil, Liquefied Petroleum and Compressed Natural Gas, Bulk Storage of*
 - h. Paragraph 24, Reserved*
 - i. Paragraph, 25, Golf Courses*
 - j. Paragraph 26, Guest House*
 - k. Paragraph 27, Historic Building Uses*
 - l. Paragraph 28, Home-Based Contractors*
 - m. Paragraph 29, Home Occupations*
 - n. Paragraph 30, Junk Yard*
 - o. Paragraph 31, Kennels and Pet Grooming Establishments*
 - p. Paragraph 32, Landscape Contractors*
 - q. Paragraph 33, Rural Venue Space*
 - r. Paragraph 34, Mobile Homes for Security Purposes*
 - s. Paragraph 35, Movie Theaters, Legitimate Theaters, Dinner Theaters*
 - t. Paragraph 36, Museums and Libraries*
 - u. Paragraph 37, Nonprofit Clubs, Lodges, Community Halls and Camps*

- v. *Paragraph 38, Nursing Homes and Residential Care Facilities*
- w. *Paragraph 39, Pet Day Care Facilities*
- x. *Paragraph 40, Produce Stands*
- y. *Paragraph 41, Quarries—or Rock, Stone, Sand Excavations*
- z. *Paragraph 42, Religious Facilities, Structures and Land Used Primarily for Religious Activities*
- aa. *Paragraph 43, Residential/Commercial Buildings*
- bb. *Paragraph 44, Retreat Center*
- cc. *Paragraph 45, Rubble Landfill and Land Clearing Debris Landfill Facilities*
- dd. *Paragraph 46, Sawmills, Bulk Firewood Processing, Mulch Manufacture, or Soil Processing*
- ee. *Paragraph 47, School Buses, Commercial Service*
- ff. *Paragraph 48, Schools, Colleges, Universities—Private (Academic)*
- gg. *Paragraph 49, Shooting Ranges—Outdoor Rifle, Pistol, Skeet and Trap*
- hh. *Paragraph 50, Small Wind Energy Systems, Building Mounted*
- ii. *Paragraph 51, Small Wind Energy Systems, Freestanding Tower*
- jj. *Paragraph 52, Solar Collector Facility, Commercial Ground-Mount*
- kk. *Paragraph 53, Spa, Country*
- ll. *Paragraph 54, Two-family Dwellings and Accessory Apartments*
- mm. *Paragraph 55, Used Merchandise, Retail Sale by Non-Profit Organization*
- nn. *Paragraph 56, Utility Uses, Public*
- oo. *Paragraph 57, Farm Alcohol Producer*
- pp. *Paragraph 58, Wrecked Vehicle Storage (Temporary)*
- qq. *Paragraph 59, Yard Waste Composting Facility*
13. *Subsection D, Minimum Parking Requirements for Specific Uses*
- Paragraph 1 of Subsection D of Section 133.0: Off-Street Parking and Loading Facilities*

Howard County Zoning Regulations.

Section 103.0. Definitions.

1 **Section 103.0. Definitions**

2 Terms used in these Zoning Regulations shall have the definition provided in any standard
3 dictionary, unless specifically defined below or in any other provision of these Zoning
4 Regulations:

5 **A**

6 Accessory DWELLING UNIT: ~~[[Apartment: See "Dwelling, Accessory Apartment"]]~~ A SECOND DWELLING
7 UNIT SUBORDINATE TO THE PRINCIPAL DWELLING, LOCATED ON A LOT DEVELOPED WITH A SINGLE-
8 FAMILY DETACHED, SINGLE-FAMILY ATTACHED, AND SINGLE-FAMILY SEMI-DETACHED ~~AND TWO-~~
9 FAMILY DWELLING UNITS WHICH COMPLIES WITH THE REQUIREMENTS FOR SUCH USES WITHIN SECTION
10 128.0.A.

11 **D**

12 Density: The number of principal dwelling units per unit of land area. Accessory dwelling units
13 such as farm tenant houses, caretaker dwellings and ~~[[accessory apartments]]~~ ACCESSORY
14 DWELLING UNITS are not included when calculating density.

16 Dwelling: A building, or portion thereof, which provides living facilities for one family. As used
17 herein, the term "dwelling," or any combination thereof, shall not be deemed to include a hotel,
18 motel, clubhouse, hospital or other accommodations used for more or less transient occupancy.

20 ~~[[Dwelling, Accessory Apartment: A second dwelling unit located within a single-family~~
21 detached dwelling which complies with the requirements for such uses within Section 128.0.A.
22 (See also the definition of Dwelling, Two-family)]]

24 ~~[[Dwelling, Temporary Accessory Family: A Conditional Use category for a second dwelling~~
25 unit on a lot which is used for the housing of an elderly or disabled family member of the
26 resident of the principal dwelling unit and which complies with the requirements of Section
27 131.0.N. A temporary accessory family dwelling shall either be a removable modular building
28 designed for this purpose or an alteration of an existing accessory building. A temporary
29 accessory family dwelling shall not be a newly constructed building.]]

1 Dwelling, Apartment: A dwelling in a building containing three or more dwelling units separated
2 by both vertical and horizontal party walls.

3
4 Dwelling, Manufactured: This term has the same meaning as "Mobile Home".

5
6 Dwelling, Modular: A dwelling unit that has a minimum floor area of 900 square feet and a
7 gabled roof, is fabricated in an off-site manufacturing facility for installation or assembly at the
8 building site, and bears insignia certifying that it is built in compliance with the standards for
9 industrialized buildings contained in the Industrialized Building and Mobile Homes Act of the
10 Annotated Code of Maryland, Article 83B, Sections 6-201, et. seq.

11
12 Dwelling, Multi-Family: This term includes apartments, whether rental units or condominiums,
13 and single-family attached dwellings.

14
15 Dwelling, Multi-Plex: A dwelling unit in a multi-plex dwelling unit building that resembles a
16 large, single-family detached dwelling, but is divided internally into three or four units. The
17 dwelling units are separated by party walls, but are not arranged in line and the party walls are
18 not parallel to each other. The dwellings may have a shared or separate exterior entrance.

19
20 Dwelling, Single-family Attached: One of a series of two or more dwelling units, separated
21 either by vertical or horizontal party walls, with each unit having its own separate exterior
22 entrance(s).

23
24 Dwelling, Single-family Detached: A building, including a modular dwelling, arranged or
25 designed for use as a principal dwelling, and entirely separated from any other principal building
26 by open area on all sides.

27
28 Dwelling, Single-family Semi-Detached: One of two attached dwelling units located on abutting
29 lots, separated by one vertical party wall without openings extending from the basement floor to
30 roof along the dividing lot line, with each unit having its own exterior entrance and its own
31 adjacent ground level outdoor area for the exclusive use of its occupants.

Dwelling, Two-family: A building which contains two dwelling units, of which neither is an accessory [[apartment]] DWELLING UNIT, and which is arranged, designed or used for occupancy by two families. The dwelling units in a two-family dwelling are not separated by an attached garage or by an open or enclosed breezeway.

[[(See also the definition of Dwelling, Accessory Apartment.)]]

Dwelling Unit: A single unit providing complete [[independent]] living facilities for AT LEAST one [[or more persons]] INDIVIDUAL, including, AT A MINIMUM, [[permanent]] provisions for SANITATION, COOKING, EATING, AND SLEEPING [[living, sleeping, eating, cooking limited to one kitchen, and sanitation]].

K

Kitchen: Any room designed to principally be used for cooking and food preparation purposes. A room which includes a [[sink and a]] range or oven, [[or utility connections suitable for the operation of a range or oven,]] shall be considered as the establishment of a kitchen.

S

SHORT TERM RENTAL: A DWELLING, OR PORTION THEREOF, FOR LODGING PURPOSES FOR A PERIOD OF LESS THAN 30 CONSECUTIVE DAYS, IN EXCHANGE FOR COMPENSATION. AS USED HEREIN, THE TERM "DWELLING," OR ANY COMBINATION THEREOF, SHALL NOT BE DEEMED TO INCLUDE A HOTEL, MOTEL, CLUBHOUSE, HOSPITAL OR OTHER ACCOMMODATIONS USED FOR TRANSIENT OCCUPANCY. SHORT-TERM RENTALS MAY INCLUDE PROPERTIES ADVERTISED OR RENTED THROUGH ONLINE PLATFORMS SUCH AS AIRBNB, VRBO, OR SIMILAR SERVICES.

Howard County Zoning Regulations.

Section 104.0. RC (Rural Conservation) District.

Section 104.0: RC (Rural Conservation) District

B. Uses Permitted as a Matter of Right

The following uses are permitted as a matter of right in the RC District, except that only the uses listed in Section 106.1 shall be permitted on County Preservation Easements.

1. Farming, provided that on a residential lot or parcel of less than 40,000 square feet no livestock shall be permitted. However, residential chicken keeping is allowed as noted in Section 128.0.
2. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
3. One single-family detached dwelling unit per lot.
4. Commercial feed mills and commercial grain processing or storage facilities, provided that all uses connected with such facilities shall be at least 200 feet from property lines.
5. Convents and monasteries used for residential purposes.
6. Governmental structures, facilities and uses including public schools and colleges.
7. Private recreational facilities, such as parks, athletic fields, swimming pools, basketball courts and tennis courts, reserved for use by residents of a community and their guests. Such facilities shall be located within neighborhoods and communities where all properties are included within recorded covenants and liens which govern and provide financial support for operation of the facilities.
8. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, subject to the requirements of Section 128.0.D.
9. Seasonal sales of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.0.D.
10. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other, similar public utility uses not requiring a Conditional Use.
11. Commercial communication antennas attached to structures, subject to the requirements of Section 128.0.E.4. Commercial communication towers located on government property, excluding School Board property, and with a height of less than 200 feet measured from ground level, subject to the requirements of Section 128.0.E. This height limit does not apply to government communication towers, which are permitted as a matter of right under the provisions for "Government structures, facilities and uses."
12. Volunteer fire departments.
13. Rooftop solar collectors.

1 ~~14. ONE TWO FAMILY DWELLING PER LOT.~~

3 **C. Accessory Uses**

4 The following are permitted accessory uses in the RC District, except that only the uses listed
5 in Section 106.1 shall be permitted on County Preservation Easements. More than one
6 accessory use shall be permitted on a lot, provided that the combination of accessory uses
7 remains secondary, incidental and subordinate to the principal use.

- 8 1. Any use normally and customarily incidental to any use permitted as a matter of right in
9 this district. Accessory structures are subject to the requirements of Section 128.0.A.
- 10 2. Accessory houses, limited to the following:
 - 11 a. Farm tenant houses and similar uses customarily accessory to agricultural uses,
12 provided that these uses shall not be permitted on parcels of less than 50 acres, and one
13 unit shall be permitted for each 25 acres of that parcel; or
 - 14 b. Caretakers' dwellings and similar uses customarily accessory to residential estate uses,
15 provided that these uses shall not be permitted on parcels of less than 50 acres and one
16 unit shall be permitted for each 50 acres of that parcel.
- 17 3. Accessory ~~[[apartments]]~~**DWELLING UNIT**, subject to the requirements of Section 128.0.A.
- 18 4. The housing by a resident family of:
 - 19 a. Not more than four non-transient roomers or boarders; or
 - 20 b. Not more than eight mentally and/or physically disabled persons or persons 62 years
21 of age or older, provided the use is registered, licensed or certified by the State of
22 Maryland; or
 - 23 c. A combination of a and b above, provided that the total number of persons housed in
24 addition to the resident family does not exceed eight.
- 25 5. Home occupations, subject to the requirements of Section 128.0.C.
- 26 6. Home care, provided that if home care is combined with housing of mentally or physically
27 disabled persons or persons 62 years of age or older, as allowed by Subsection 4.b above,
28 the total number of persons receiving home care at any one time plus the number of persons
29 being housed shall not exceed eight.
- 30 7. Parking:

- a. Off-street parking of no more than two commercial vehicles on lots of three or more acres and no more than one commercial vehicle on lots of less than three acres. Private off-street parking is restricted to vehicles used in connection with or in relation to a principal use permitted as a matter of right in the district.
- b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or destroyed motor vehicles shall not be permitted, except as provided by Section 128.0.D.
8. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet or smaller, such storage shall be limited to the following:
 - a. One recreational vehicle with a length of 30 feet or less; and
 - b. One boat with a length of 20 feet or less.
9. The following commercial services are permitted as accessory uses on farms, provided that the uses are located on a parcel of at least 50 acres or on a parcel of any size subject to an ALPP purchased or dedicated easement, the commercial service is conducted by persons residing on or operating the farm, and all uses are screened from public roads and adjacent lots:
 - a. Blacksmith shop
 - b. Farm machinery repair
 - c. Lawn and garden equipment repair
 - d. Welding
10. Farm stands, subject to the requirements of Section 128.0.I.
11. Snowball stands, subject to the requirements of Section 128.0.D.
12. Home-based contractors, subject to the requirements of Section 128.0.C.2.
13. The acceptance or disposal of off-site land clearing debris under a permit issued by the Department of Planning and Zoning, subject to the requirements of Section 128.0.D.
14. Value-added processing of agricultural products, subject to the requirements of Section 128.0.I.
15. Agritourism, small-scale agritourism, and pick-your-own marketing of farm products, subject to the requirements of Section 128.0.I.
16. Farm alcohol producer, subject to the requirements of Section 128.0.O.
17. Small Wind Energy System, building mounted, subject to the requirements of Section 128.0.L.

18. Small Wind Energy System, freestanding tower on properties 5 acres or great or greater, subject to the requirements of Section 128.0.M.
19. Riding Academies and Stables, subject to the requirements of Section 128.0.I.
20. Community Supported Agriculture, subject to the requirements of Section 128.0.I.
21. Food Hubs, subject to the requirements of Section 128.0.I.
22. Accessory ground-mount solar collectors.
23. Residential chicken keeping, subject to the requirements of Section 128.0.D.
24. Livestock on residential lots or parcels, subject to the requirements of Section 128.0.D.
25. Accessory storage buildings and shipping containers, as accessory storage structures, subject to the requirements in Section 128.0.D.
26. Incidental outdoor stays – lodging, subject to the requirements of Section 128.0.I.
27. Bed and breakfast inns, subject to the requirements of section 128.0.I.

Howard County Zoning Regulations.
Section 105.0. RR (Rural Residential) District.

Section 105.0: RR (Rural Residential) District

B. Uses Permitted as a Matter of Right

The following uses are permitted as a matter of right in the RR District, except that only the uses listed in Section 106.1 shall be permitted on County preservation easements.

1. Farming, provided that on a residential lot or parcel of less than 40,000 square feet no livestock shall be permitted. However, residential chicken keeping is allowed as noted in Section 128.0.
2. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
3. One single-family detached dwelling unit per lot.
4. Convents and monasteries used for residential purposes.
5. Governmental structures, facilities and uses including public schools and colleges.
6. Private recreational facilities, such as parks, athletic fields, swimming pools, basketball courts and tennis courts, reserved for use by residents of a community and their guests.

Such facilities shall be located within neighborhoods and communities where all properties are included within recorded covenants and liens which govern and provide financial support for operation of the facilities.

7. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, subject to the requirements of Section 128.0.D.

8. Seasonal sales of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.0.D.

9. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other, similar public utility uses not requiring a Conditional Use.

10. Commercial communication antennas attached to structures, subject to the requirements of Section 128.0.E. Commercial communication towers located on government property, excluding School Board property, and with a height of less than 200 feet measured from ground level, subject to the requirements of Section 128.0.E. This height limit does not apply to government communication towers, which are permitted as a matter of right under the provisions for "Government structures, facilities and uses."

11. Volunteer fire departments.

12. Rooftop solar collectors.

~~13. ONE TWO-FAMILY DWELLING UNIT PER LOT.~~

C. Accessory Uses

The following are permitted accessory uses in the RR District, except that only the uses listed in Section 106.1 shall be permitted on County preservation easements. More than one accessory use shall be permitted on a lot, provided that the combination of accessory uses remains secondary, incidental and subordinate to the principal use.

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district. Accessory structures are subject to the requirements of Section 128.0.A.

2. Accessory houses, limited to the following:

- a. Farm tenant houses and similar uses customarily accessory to agricultural uses, provided that these uses shall not be permitted on parcels of less than 50 acres, and one unit shall be permitted for each 25 acres of that parcel; or
 - b. Caretakers' dwellings and similar uses customarily accessory to residential estate uses, provided that these uses shall not be permitted on parcels of less than 50 acres and one unit shall be permitted for each 50 acres of that parcel.
3. Accessory ~~[[apartments]]~~ DWELLING UNIT, subject to the requirements of Section 128.0.A.
4. The housing by a resident family of:
 - a. Not more than four non-transient roomers or boarders; or
 - b. Not more than eight mentally and/or physically disabled persons or persons 62 years of age or older, provided the use is registered, licensed or certified by the State of Maryland; or
 - c. A combination of a and b above, provided that the total number of persons housed in addition to the resident family does not exceed eight.
5. Home occupations, subject to the requirements of Section 128.0.C.
6. Home care, provided that if home care is combined with housing of mentally or physically disabled persons or persons 62 years of age or older, as allowed by Subsection 4.b above, the total number of persons receiving home care at any one time plus the number of persons being housed shall not exceed eight.
7. Parking:
 - a. Off-street parking of no more than two commercial vehicles on lots of three or more acres and no more than one commercial vehicle on lots of less than three acres. Private off-street parking is restricted to vehicles used in connection with or in relation to a principal use permitted as a matter of right in the district.
 - b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or destroyed motor vehicles shall not be permitted, except as provided by Section 128.0.D.
8. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet or smaller, such storage shall be limited to the following:
 - a. One recreational vehicle with a length of 30 feet or less; and
 - b. One boat with a length of 20 feet or less.

9. The following commercial services are permitted as accessory uses on farms, provided that the uses are located on a parcel of at least 50 acres or on a parcel of any size subject to an ALPP Purchased or ALPP Dedicated Easement, the commercial service is conducted by persons residing on or operating the farm, and all uses are screened from public roads and adjacent lots:
 - a. Blacksmith shop
 - b. Farm machinery repair
 - c. Lawn and garden equipment repair
 - d. Welding
10. Farm stands subject to the requirements of Section 128.0.I.
11. Farm Alcohol Producer, subject to the requirements of Section 128.0.O.
12. Snowball stands, subject to the requirements of Section 128.0.D.
13. Home-based contractor, subject to the requirements of Section 128.0.C.2.
14. The acceptance or disposal of off-site land clearing debris under a permit issued by the Department of Planning and Zoning, subject to the requirements of Section 128.0.D.
15. Value-added processing of agricultural products, subject to the requirements of Section 128.0.I.
16. Agritourism, small-scale agritourism, and pick-your-own marketing of farm products, subject to the requirements of Section 128.0.I.
17. Small Wind Energy System, building mounted, subject to the requirements of Section 128.0.L.
18. Riding Academies and Stables, subject to the requirements of Section 128.0.I.
19. Community Supported Agriculture, subject to the requirements of Section 128.0.I.
20. Food Hubs, subject to the requirements of Section 128.0.I.
21. Accessory ground-mount solar collectors.
22. Residential chicken keeping, subject to the requirements of Section 128.0.D.
23. Livestock on residential lots or parcels, subject to the requirements of Section 128.0.D.
24. Accessory storage buildings and shipping containers, as accessory storage structures, subject to the requirements in Section 128.0.D.
25. Incidental outdoor stays – lodging, subject to the requirements of section 128.0.I.
26. Bed and breakfast inns, subject to the requirements of section 128.0.I.

Howard County Zoning Regulations.
Section 106.1. County Preservation Easements.

Section 106.1: County Preservation Easements

C. Accessory Uses

1. ALPP Purchased Easements and ALPP Dedicated Easements

- a. Any use normally and customarily incidental to any use permitted as a matter of right in the RC and/or RR Districts.
- b. Farm tenant houses on parcels greater than 50 acres, subject to the Deed of Agricultural Preservation Easement and approval by the Agricultural Land Preservation Board. the parcel on which the farm tenant house will be located must be improved with a principal dwelling unless, based on justification of need submitted by the applicant, the Director of the Department of Planning and Zoning authorizes an exception to this requirement.
- c. Accessory ~~[[apartments]]~~ DWELLING UNIT, subject to the requirements of Section 128.0.A.
- d. Housing by a resident family of boarders and/or elderly persons subject to the requirements of Sections 104.0.C.4 or 105.0.C.4.
- e. Home occupations, subject to the requirements of Section 128.0.C.
- f. Home care, subject to the requirements of Sections 104.0.C.6 or 105.0.C.6.
- g. Parking of commercial vehicles, subject to the requirements of Sections 104.0.C.7 or 105.0.C.7.
- h. Storage of recreational vehicles or boats, subject to the requirements of Sections 104.0.C.8 or 105.0.C.8.
- i. Commercial services, subject to the requirements of Sections 104.0.C.9 or 105.0.C.9.
 - (1) Blacksmith shop
 - (2) Farm machinery repair
 - (3) Lawn and garden equipment repair
 - (4) Welding
- j. Farm stands, subject to the requirements of Section 128.0.I.
- k. Snowball stands, subject to the requirements of Section 128.0.D.

- 1 l. Value-added processing of agricultural products subject to the requirements of Section
- 2 128.0.I.
- 3 m. Agritourism and small-scale agritourism, subject to the requirements of Section
- 4 128.0.I.
- 5 n. Pick-your-own marketing of farm products, subject to the requirements of Section
- 6 128.0.I.
- 7 o. Farm Alcohol Producer, subject to the requirements of Section 128.0.O.
- 8 p. Small wind energy system, building mounted, subject to the requirements of Section
- 9 128.0.L.
- 10 q. Small wind energy system, freestanding tower on properties 5 acres or greater, subject
- 11 to the requirements of Section 128.0.M.
- 12 r. Riding stables and academies, subject to the requirements of Section 128.0.I.
- 13 s. Community Supported Agriculture (CSA), subject to the requirements of Section
- 14 128.0.I.
- 15 t. Food hubs, subject to the requirements of Section 128.0.I.
- 16 u. Accessory ground-mount solar collectors.
- 17 v. Residential chicken keeping, subject to the requirements of Section 128.0.D.
- 18 w. Livestock on residential lots or parcels, subject to the requirements of Section 128.0.D.
- 19 x. Incidental outdoor stays – lodging, subject to the requirements of section 128.0.I.
- 20 2. Other Dedicated Easements
- 21 a. Any use normally and customarily incidental to any use permitted as a matter of right
- 22 in the RC and/or RR Districts.
- 23 b. Farm tenant houses on parcels greater than 50 acres, subject to the Deed of Easement.
- 24 the parcel on which the farm tenant house will be located must be improved with a
- 25 principal dwelling unless, based on justification of need submitted by the applicant, the
- 26 director of the department of planning and zoning authorizes an exception to this
- 27 requirement.
- 28 c. Caretaker's dwellings on parcels greater than 50 acres and improved with a principal
- 29 dwelling, subject to the Deed of Easement.
- 30 d. Accessory [[apartments]]DWELLING UNIT, subject to the requirements of Section
- 31 128.0.A.

- e. Housing by a resident family of boarders or elderly persons subject to the requirements of Sections 104.0.C or 105.0.C.
- f. Home occupations, subject to the requirements of Section 128.0.C.
- g. Home care, subject to the requirements of Section 104.0.C or 105.0.C.
- h. Parking of commercial vehicles, subject to the requirements of Section 104.0.C or 105.0.C.
- i. Storage of recreational vehicles or boats, subject to the requirements of Sections 104.0.C or 105.0.C.
- j. Commercial services, subject to the requirements of Sections 104.0.C. or 105.0.C.
 - (1) Blacksmith shop
 - (2) Farm machinery repair
 - (3) Lawn and garden equipment repair
 - (4) Welding
- k. Farm stands, subject to the requirements of Section 128.0.I.
- l. Snowball stands, subject to the requirements of Section 128.0.I.
- m. Disposal of off-site land clearing debris, subject to the requirements of Section 128.0.D.
- n. Value-added processing of agricultural products, subject to the requirements of Section 128.0.I.
- o. Agritourism and small-scale agritourism, subject to the requirements of Section 128.0.I.
- p. Pick-your-own marketing of farm products, subject to the requirements of Section 128.0.I.
- q. Farm Alcohol Producer, subject to the requirements of Section 128.0.O.
- r. Small wind energy system, building mounted, subject to the requirements of Section 128.0.L.
- s. Small wind energy system, freestanding tower on properties 5 acres or greater, subject to the requirements of Section 128.0.M.
- t. Riding stables and academies, subject to the requirements of Section 128.0.I.
- u. Community supported agriculture (CSA), subject to the requirements of Section 128.0.I.
- v. Food hubs, subject to the requirements of Section 128.0.I.

- w. Accessory ground-mount solar collectors.
- x. Residential chicken keeping, subject to the requirements of Section 128.0.D.
- y. Livestock on residential lots or parcels, subject to the requirements for such a use in Section 128.0.D.
- z. Incidental outdoor stays – lodging, subject to the requirements of section 128.0.I.
- aa. Bed and breakfast inns, subject to the requirements of section 128.0.I.

D. Conditional Uses

1. ALPP Purchased Easements and ALPP Dedicated Easements

- a. Conditional Uses shall not be allowed on agricultural preservation easements unless they support the primary agricultural purpose of the easement property, or are an ancillary business which supports the economic viability of the farm, and are approved by the hearing authority in accordance with the applicable provisions of Sections 130.0 and 131.0 of these regulations. On an ALPP purchased or dedicated easement property, the area devoted to Conditional Uses, EXCLUDING DRIVEWAYS, may not exceed a cumulative use cap equal to 2% of the easement or up to a maximum of 1 acre for preservation parcels created as part of the Cluster Subdivision process.

The following Conditional Uses may be allowed:

- (1) Animal hospitals
- (2) Barber shop, hair salon and similar personal services facilities
- (3) Bottling of spring or well water
- (4) Communication Towers
- (5) Farm tenant house on a parcel of at least 25 acres but less than 50 acres
- (6) Historic building uses
- (7) Home based contractors
- (8) Home occupations
- (9) Kennels and/or pet grooming establishments
- (10) Landscape contractors
- (11) Rural venue space
- (12) Sawmills or bulk firewood processing
- (13) School buses, commercial service

1 (14) Small wind energy systems, freestanding tower

2 b. In addition, the following Conditional Uses which may require additional land area
3 may be permitted on agricultural preservation easements:

4 (1) Agribusiness, limited to uses itemized in Section 131.0.N.

5 (2) Farm alcohol producer, subject to the requirements in section 131.0.N.55.

6 (3) Solar collector facilities, commercial ground-mount.

7 2. Other Dedicated Easements

8 a. Conditional Uses shall not be allowed on other dedicated easements unless they support
9 the primary purpose of the easement property and are approved by the Hearing
10 Authority in accordance with the applicable provisions of Sections 130.0 and 131.0 of
11 these Regulations. On these dedicated easements, the following Conditional Uses
12 which do not require the construction of new principal structures or use of an outdoor
13 area that is more than 2% of the preservation parcel acreage up to a maximum of 1 acre
14 may be allowed:

15 (1) Animal hospitals

16 (2) Antique shops, art galleries and craft shops

17 (3) Barber shop, hair salon and similar personal service facilities

18 (4) Bottling of spring or well water

19 (5) Child day care centers and nursery schools, day treatment and care facilities

20 (6) Communication towers

21 (7) Country inns

22 (8) Historic building uses

23 (9) Farm tenant house on a parcel of at least 25 acres but less than 50 acres

24 (10) Home based contractors

25 (11) Home occupations

26 (12) Kennels and/or pet grooming establishments

27 (13) Landscape contractors

28 (14) Rural Venue Space

29 (15) Museums and libraries

30 (16) Retreats

31 (17) School buses, commercial service

1 (18) Shooting ranges—outdoor rifle, pistol, skeet and trap

2 (19) Small wind energy systems, freestanding tower

3 ~~H~~(20) Two family dwellings, ~~accessory apartments~~ and multi-plex dwellings ~~H~~

4 b. In addition, the following Conditional Uses which may require additional land area
5 may be permitted on other dedicated easements:

6 (1) Agribusiness, limited to uses itemized in Section 131.0.N.2

7 (2) Charitable or philanthropic institutions dedicated to environmental conservation

8 (3) Farm alcohol producer, subject to the requirements in section 131.0.n. ~~[[57]]~~55

9 (4) Golf Courses

10 (5) Solar collector facilities, commercial ground-mount.

12 Howard County Zoning Regulations.

13 Section 107.0: R-ED (Residential: Environmental Development) District.

15 Section 107.0: R-ED (Residential: Environmental Development) District

16 B. Uses Permitted as a Matter of Right

17 1. One single-family detached dwelling unit per lot.

18 2. One zero lot line dwelling unit per lot.

19 3. Single-family attached dwelling units.

20 4. Farming provided that on a residential lot or parcel of less than 40,000 square feet no
21 livestock shall be permitted. However, residential chicken keeping is allowed as noted in
22 Section 128.0.

23 5. Conservation areas, including wildlife and forest preserves, environmental management
24 areas, reforestation areas, and similar uses.

25 6. Private recreational facilities, such as parks, athletic fields, swimming pools, basketball
26 courts and tennis courts, reserved for use by residents of a community and their guests.
27 Such facilities shall be located within condominium developments or within communities
28 with recorded covenants and liens which govern and provide financial support for
29 operation of the facilities.

30 7. Convents and monasteries used for residential purposes.

31 8. Government structures, facilities and uses, including public schools and colleges.

9. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, subject to the requirements of Section 128.0.D.
10. Seasonal sales of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.0.D.
11. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other, similar public utility uses not requiring a Conditional Use.
12. Commercial communication antennas attached to structures, subject to the requirements of Section 128.0.E. Commercial communication towers located on government property, excluding School Board property, and with a height of less than 200 feet measured from ground level, subject to the requirements of Section 128.0.E. This height limit does not apply to government communication towers, which are permitted as a matter of right under the provisions for "Government structures, facilities and uses."
13. Volunteer fire departments.
14. Rooftop solar collectors.
- ~~15. ONE TWO FAMILY DWELLING UNIT PER LOT.~~

C. Accessory Uses

The following are permitted accessory uses in the R-ED District. More than one accessory use shall be permitted on a lot, provided that the combination of accessory uses remains secondary, incidental and subordinate to the principal use.

1. Any use normally and customarily incidental to any use permitted as a matter of right in this District. Accessory Structures are subject to the requirements of Section 128.0.A.
2. Accessory ~~[[apartments]]~~DWELLING UNIT, subject to the requirements of Section 128.0.A.~~[[~~, provided that:
 - a. The area of the lot is at least 12,000 square feet;
 - b. Except for an exterior entrance and necessary parking area, there shall be no external evidence of the accessory apartment; and,
 - c. The accessory apartment shall have no more than two bedrooms. ~~]]~~

- 1 3. Farm tenant houses, caretakers' cottages and similar uses customarily accessory to
2 agricultural and residential estate uses, provided that these uses shall not be permitted on
3 parcels of less than 50 acres, and further provided that one unit shall be allowed for each
4 50 acres of that parcel.
- 5 4. The housing by a resident family of:
 - 6 a. Not more than four non-transient roomers or boarders; or
 - 7 b. Not more than eight mentally and/or physically disabled persons or persons 62 years
8 of age or older, provided the use is registered, licensed or certified by the State of
9 Maryland; or
 - 10 c. A combination of a and b above, provided that the total number of persons housed in
11 addition to the resident family does not exceed eight.
- 12 5. Home occupations, subject to the requirements of Section 128.0.C.
- 13 6. Home care, provided that if home care is combined with housing of mentally or physically
14 disabled persons or persons 62 years of age or older, as allowed by Subsection 4.b above,
15 the total number of persons receiving home care at any one time plus the number of persons
16 being housed shall not exceed eight.
- 17 7. Parking:
 - 18 a. Off-street parking of no more than two commercial vehicles on lots of three or more
19 acres and no more than one commercial vehicle on lots of less than three acres. Private
20 off-street parking is restricted to vehicles used in connection with or in relation to a
21 principal use permitted as a matter of right in the district.
 - 22 b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or
23 destroyed motor vehicles shall not be permitted, except as provided by Section 128.0.D.
- 24 8. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet or
25 smaller, such storage shall be limited to the following:
 - 26 a. One recreational vehicle with a length of 30 feet or less; and
 - 27 b. One boat with a length of 20 feet or less.
- 28 9. Farm stand, subject to the requirements of Section 128.0.I.
- 29 10. Snowball stands, subject to the requirements of Section 128.0.D.
- 30 11. Home-based contractors on lots larger than two acres, subject to the requirements of
31 Section 128.0.C.2.

12. Small Wind Energy System, building mounted, on single-family detached dwellings and non-residential structures only, subject to the requirements of Section 128.0.L.
13. Residential Chicken Keeping, subject to the requirements of Section 128.0.D.
14. Accessory ground-mount solar collectors.
15. Livestock on residential lots or parcels, subject to the requirements of Section 128.0.D.
16. Community Supported Agriculture, subject to the requirements of Section 128.0.I.
17. Accessory storage buildings and shipping container, as accessory storage structures, subject to the requirements in Section 128.0.D.
18. Incidental outdoor stays – lodging, subject to the requirements of Section 128.0.I.
19. Bed and breakfast inns, subject to the requirements of Section 128.0.I.
20. Small-scale agritourism, subject to the requirements of Section 128.0.I.

D. Bulk Regulations

(Also see Section 128.0.A, Supplementary Bulk Regulations, and 128.0.G., Alternative Regulations for Traditional Residential Neighborhoods.)

2. Minimum lot size requirements

- a. Single-family detached dwellings6,000 sq. ft.
- b. Except zero lot line dwellings4,000 sq. ft.
- c. Single-family semi-detached dwellings4,000 sq. ft.
- ~~d. TWO-FAMILY DWELLINGS.....16,000 SQ. FT.~~

Howard County Zoning Regulations.

Section 108.0: R-20 (Residential: Single) District.

Section 108.0: R-20 (Residential: Single) District

B. Uses Permitted as a Matter of Right

1. One single-family detached dwelling unit per lot.
2. Farming, provided that on a residential lot or parcel of less than 40,000 square feet no livestock shall be permitted. However, residential chicken keeping is allowed as noted in Section 128.0.

3. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
4. Convents and monasteries used for residential purposes.
5. Government structures, facilities and uses, including public schools and colleges.
6. Private recreational facilities, such as swimming pools, basketball courts and tennis courts, reserved for the use of on-site residents and their guests. Such facilities shall be located within condominium developments as well as within communities where all properties are included within recorded covenants and liens which govern and provide financial support for operations of the facilities.
7. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations subject to the requirements of Section 128.0.D.
8. Seasonal sales of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.0.D.
9. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other similar public utility uses not requiring a Conditional Use.
10. Commercial communication antennas attached to structures, subject to the requirements of Section 128.0.E.4. Commercial communication towers located on government property, excluding School Board property, and with a height of less than 200 feet measured from ground level, subject to the requirements of Sections 128.0.E.2 and 128.0.E.3. This height limit does not apply to government communication towers, which are permitted as a matter of right under the provisions for "Government structures, facilities and uses."
11. Volunteer fire departments.
12. Rooftop solar collectors.
- ~~13. ONE TWO FAMILY DWELLING UNIT PER LOT.~~

C. Accessory Uses

1 The following are permitted accessory uses in the R-20 District. More than one accessory use
2 shall be permitted on a lot, provided that the combination of accessory uses remains
3 secondary, incidental and subordinate to the principal use.

- 4 1. Any use normally and customarily incidental to any use permitted as a matter of right in
5 this District. Accessory structures are subject to the requirements of Section 128.0.A.
- 6 2. Accessory ~~[[apartments]]~~DWELLING UNIT, subject to the requirements of Section
7 128.0.A.~~[[, provided that:~~
 - 8 a. The area of the lot is at least 12,000 square feet;
 - 9 b. Except for an exterior entrance and necessary parking area, there shall be no external
10 evidence of the accessory apartment; and,
 - 11 c. The accessory apartment shall have no more than two bedrooms.]]
- 12 3. Farm tenant houses, caretakers' cottages and similar uses customarily accessory to
13 agricultural and residential estate uses, provided that these uses shall not be permitted on
14 parcels of less than 50 acres, and further provided that one unit shall be allowed for each
15 50 acres of that parcel.
- 16 4. The housing by a resident family of:
 - 17 a. Not more than four non-transient roomers or boarders; or
 - 18 b. Not more than eight mentally and/or physically disabled persons or persons 62 years
19 of age or older, provided the use is registered, licensed or certified by the State of
20 Maryland; or
 - 21 c. A combination of a and b above, provided that the total number of persons housed in
22 addition to the resident family does not exceed eight.
- 23 5. Home occupations, subject to the requirements of Section 128.0.C.
- 24 6. Home care, provided that if home care is combined with housing of mentally or physically
25 disabled persons or persons 62 years of age or older, as allowed by Subsection 4.b above,
26 the total number of persons receiving home care at any one time plus the number of persons
27 being housed shall not exceed eight.
- 28 7. Parking:
 - 29 a. Off-street parking of no more than two commercial vehicles on lots of three or more
30 acres and no more than one commercial vehicle on lots of less than three acres. Private

1 off-street parking is restricted to vehicles used in connection with or in relation to a
2 principal use permitted as a matter of right in the district.

3 b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or
4 destroyed motor vehicles shall not be permitted, except as provided by Section 128.0.D.

5 8. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet or
6 smaller, such storage shall be limited to the following:

7 a. One recreational vehicle with a length of 30 feet or less; and

8 b. One boat with a length of 20 feet or less.

9 9. Farm stand, subject to the requirements of Section 128.0.I.

10 10. Snowball stands, subject to the requirements of Section 128.0.D.

11 11. Home based contractors on lots larger than two acres, subject to the requirements of Section
12 128.0.C.2.

13 12. Small Wind Energy System, building mounted, subject to the requirements of Section
14 128.0.L.

15 13. Residential Chicken Keeping, subject to the requirements of Section 128.0.D.

16 14. Accessory ground-mount solar collectors.

17 15. Livestock on residential lots or parcels, subject to the requirements of Section 128.0.D.

18 16. Incidental outdoor stays – lodging, subject to the requirements of section 128.0.I.

19 17. Bed and breakfast inns, subject to the requirements of Section 128.0.I.

20 18. Small-scale agritourism, subject to the requirements of Section 128.0.I.

21 22 **Howard County Zoning Regulations.**

23 **Section 109.0: R-12 (Residential: Single) District.**

24 25 **Section 109.0: R-12 (Residential: Single) District**

26 **B. Uses Permitted as a Matter of Right**

27 1. One single-family detached dwelling unit per lot.

28 2. One zero lot line dwelling unit per lot.

29 3. Single-family semi-detached dwellings.

- 1 4. Farming, provided that on a residential lot or parcel of less than 40,000 square feet no
2 livestock shall be permitted. However, residential chicken keeping is allowed as noted in
3 Section 128.0.
- 4 5. Conservation areas, including wildlife and forest preserves, environmental management
5 areas, reforestation areas, and similar uses.
- 6 6. Convents and monasteries used for residential purposes.
- 7 7. Government structures, facilities and uses, including public schools and colleges.
- 8 8. Private recreational facilities, such as swimming pools, basketball courts and tennis
9 courts, reserved for the use of on-site residents and their guests. Such facilities may be
10 located within condominium developments as well as within communities where all
11 properties are included within recorded covenants and liens which govern and provide
12 financial support for operations of the facilities.
- 13 9. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of
14 charitable, social, civic or educational organizations, subject to the requirements of
15 Section 128.0.D.
- 16 10. Seasonal sales of Christmas trees or other decorative plant materials, subject to the
17 requirements of Section 128.0.D.
- 18 11. Underground pipelines; electric transmission and distribution lines; telephone, telegraph
19 and CATV lines; mobile transformer units; telephone equipment boxes; and other similar
20 public utility uses not requiring a Conditional Use.
- 21 12. Commercial communication antennas attached to structures, subject to the requirements
22 of Section 128.0.E.4. Commercial communication towers located on government
23 property, excluding School Board property, and with a height of less than 200 feet
24 measured from ground level, subject to the requirements of Sections 128.0.E.2 and
25 128.0.E.3. This height limit does not apply to government communication towers, which
26 are permitted as a matter of right under the provisions for "Government structures,
27 facilities and uses."
- 28 13. Volunteer fire departments.
- 29 14. Rooftop solar collectors.
- 30 ~~15. ONE TWO FAMILY DWELLING UNIT PER LOT.~~

1 **C. Accessory Uses**

2 The following are permitted accessory uses in the R-12 District. More than one accessory use
3 shall be permitted on a lot, provided that the combination of accessory uses remains
4 secondary, incidental and subordinate to the principal use.

- 5 1. Any use normally and customarily incidental to any use permitted as a matter of right in
6 this District. Accessory structures are subject to the requirements of section 128.0.A.
- 7 2. Accessory ~~[[apartments]]~~DWELLING UNIT, subject to the requirements of section 128.0.A.],
8 provided that:
- 9 a. The area of the lot is at least 12,000 square feet;
- 10 b. Except for an exterior entrance and necessary parking area, there shall be no external
11 evidence of the accessory apartment; and,
- 12 c. The accessory apartment shall have no more than two bedrooms.]]
- 13 3. Farm tenant houses, caretakers' cottages and similar uses customarily accessory to
14 agricultural and residential estate uses, provided that these uses shall not be permitted on
15 parcels of less than 50 acres, and further provided that one unit shall be allowed for each
16 50 acres of that parcel.
- 17 4. The housing by a resident family of:
- 18 a. Not more than four non-transient roomers or boarders; or
- 19 b. Not more than eight mentally and/or physically disabled persons or persons 62 years
20 of age or older, provided the use is registered, licensed or certified by the State of
21 Maryland; or
- 22 c. A combination of a and b above, provided that the total number of persons housed in
23 addition to the resident family does not exceed eight.
- 24 5. Home occupations, subject to the requirements of Section 128.0.C.
- 25 6. Home care, provided that if home care is combined with housing of mentally or physically
26 disabled persons or persons 62 years of age or older, as allowed by Subsection 4.b above,
27 the total number of persons receiving home care at any one time plus the number of persons
28 being housed shall not exceed eight.
- 29 7. Parking:
- 30 a. Off-street parking of no more than two commercial vehicles on lots of three or more
31 acres and no more than one commercial vehicle on lots of less than three acres. Private

- 1 off-street parking is restricted to vehicles used in connection with or in relation to a
2 principal use permitted as a matter of right in the district.
- 3 b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or
4 destroyed motor vehicles shall not be permitted, except as provided by Section 128.0.D.
- 5 8. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet or
6 smaller, such storage shall be limited to the following:
- 7 a. One recreational vehicle with a length of 30 feet or less; and
8 b. One boat with a length of 20 feet or less.
- 9 9. Farm stand, subject to the requirements of Section 128.0.I.
- 10 10. Snowball stands, subject to the requirements of Section 128.0.D.
- 11 11. Home-based contractors on lots larger than two acres, subject to the requirements of
12 Section 128.0.C.2.
- 13 12. Small Wind Energy System, building mounted, on single-family detached dwellings and
14 non-residential structures only, subject to the requirements of Section 128.0.L.
- 15 13. Residential chicken keeping, subject to the requirements of Section 128.0.D.
- 16 14. Accessory ground-mount solar collectors.
- 17 15. Bed and breakfast inns, subject to the requirements of Section 128.0.I.

18
19 **D. Bulk Regulations**

20 (Also see Section 128.0.A Supplementary Bulk Regulations.)

- 21 2. Minimum lot size (except as provided in Section 109.0.F of these Regulations for
22 mandatory open space)12,000 sq. ft. ~~EXCEPT THAT TWO-FAMILY DWELLING UNITS~~
23 ~~REQUIRE A MINIMUM LOT SIZE OF.....16,000 SQ. FT.~~

24
25 **Howard County Zoning Regulations.**

26 **Section 110.0: R-SC (Residential: Single Cluster) District.**

27
28 **Section 110.0: R-SC (Residential: Single Cluster) District**

29 **C. Accessory Uses**

1 The following are permitted accessory uses in the R-SC District. More than one accessory
2 use shall be permitted on a lot, provided that the combination of accessory uses remains
3 secondary, incidental and subordinate to the principal use.

4 2. Accessory ~~[[apartments]]~~DWELLING UNIT, subject to the requirements of Section
5 128.0.A. ~~[[, provided that:~~

- 6 a. The area of the lot is at least 12,000 square feet;
- 7 b. Except for an exterior entrance and necessary parking area, there shall be no external
8 evidence of the accessory apartment; and,
- 9 c. The accessory apartment shall have no more than two bedrooms. ~~]]~~

10
11 **Howard County Zoning Regulations.**

12 **Section 111.0: R-SA-8 (Residential: Single Attached) District.**

13
14 **Section 111.0: R-SA-8 (Residential: Single Attached) District**

15 **C. Accessory Uses**

16 The following are permitted accessory uses in the R-SA-8 District. More than one accessory use
17 shall be permitted on a lot, provided that the combination of accessory uses remains secondary,
18 incidental and subordinate to the principal use.

19 2. Accessory ~~[[apartments]]~~DWELLING UNIT, subject to the requirements of Section
20 128.0.A. ~~[[, provided that:~~

- 21 a. The area of the lot is at least 12,000 square feet;
- 22 b. Except for an exterior entrance and necessary parking area, there shall be no external
23 evidence of the accessory apartment; and,
- 24 c. The accessory apartment shall have no more than two bedrooms. ~~]]~~

25
26 **Howard County Zoning Regulations.**

27 **Section 111.1: R-H-ED (Residential: Historic-Environmental ~~[[District]]~~) DISTRICT.**

28
29 **Section 111.1: R-H-ED (Residential: Historic-Environmental ~~[[District]]~~) DISTRICT**

30 **C. Accessory Uses**

1 The following are permitted accessory uses in the R-H-ED District. More than one accessory use
2 shall be permitted on a lot, provided that the combination of accessory uses remains secondary,
3 incidental and subordinate to the principal use.

4 1. Any use normally and customarily incidental to any use permitted as a matter of right in
5 this District. Accessory structures are subject to the requirements of Section 128.0.A.

6 2. ACCESSORY DWELLING UNIT, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.A.

7 [[2]]3. Farm tenant houses, caretakers' cottages and similar uses customarily accessory to
8 agricultural and residential estate uses, provided that these uses shall not be permitted on
9 parcels of less than 50 acres, and further provided that one unit shall be allowed for each
10 50 acres of that parcel.

11 [[3]]4. The housing by a resident family of:

12 a. Not more than four non-transient roomers or boarders; or

13 b. Not more than eight mentally and/or physically disabled persons or persons 62 years
14 of age or older, provided the use is registered, licensed or certified by the State of
15 Maryland; or

16 c. A combination of a and b above, provided that the total number of persons housed in
17 addition to the resident family does not exceed eight.

18 [[4]]5. Home occupations, subject to the requirements of Section 128.0.C.

19 [[5]]6. Home care, provided that if home care is combined with housing of mentally or
20 physically disabled persons or persons 62 years of age or older, as allowed by Subsection
21 4.b above, the total number of persons receiving home care at any one time plus the number
22 of persons being housed shall not exceed eight.

23 [[6]]7. Parking:

24 a. Off-street parking of no more than two commercial vehicles on lots of three or more
25 acres and no more than one commercial vehicle on lots of less than three acres. Private
26 off-street parking is restricted to vehicles used in connection with or in relation to a
27 principal use permitted as a matter of right in the district.

28 b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or
29 destroyed motor vehicles shall not be permitted, except as provided by Section 128.0.D.

30 [[7]]8. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet or
31 smaller, such storage shall be limited to the following:

1 a. One recreational vehicle with a length of 30 feet or less; and

2 b. One boat with a length of 20 feet or less.

3 [[8]]9. Snowball stands, subject to the requirements of Section 128.0.D.

4 [[9]]10. Small Wind Energy System, building mounted, on single-family detached dwellings
5 and non-residential structures only, subject to the requirements of Section 128.0.L.

6 [[10]]11. Accessory ground-mount solar collectors.

7
8 **Howard County Zoning Regulations.**

9 **Section 112.0: R-A-15 (Residential: Apartments) District.**

10
11 **Section 112.0: R-A-15 (Residential: Apartments) District**

12 **C. Accessory Uses**

13 1. Any use normally and customarily incidental to any use permitted as a matter of right in
14 this District.

15 2. ACCESSORY DWELLING UNIT, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.A.

16 [[2]]3. Farm tenant houses, caretakers' cottages and similar uses customarily accessory to
17 agricultural and residential estate uses, provided that these uses shall not be permitted on
18 parcels of less than 50 acres, and further provided that one unit shall be allowed for each
19 50 acres of that parcel.

20 [[3]]4. The housing by a resident family of:

21 a. Not more than four non-transient roomers or boarders; or

22 b. Not more than eight mentally and/or physically disabled persons or persons 62 years
23 of age or older, provided the use is registered, licensed or certified by the State of
24 Maryland; or

25 c. A combination of a and b above, provided that the total number of persons housed in
26 addition to the resident family does not exceed eight.

27 [[4]]5. Home occupations, subject to the requirements of Section 128.0.C.

28 [[5]]6. Home care, provided that if home care is combined with housing of mentally or
29 physically disabled persons or persons 62 years of age or older, as allowed by Subsection
30 4.b above, the total number of persons receiving home care at any one time plus the number
31 of persons being housed shall not exceed eight.

1 [[6]]7. Parking:

2 a. Off-street parking of no more than two commercial vehicles on lots of three or more
3 acres and no more than one commercial vehicle on lots of less than three acres. Private
4 off-street parking is restricted to vehicles used in connection with or in relation to a
5 principal use permitted as a matter of right in the district.

6 b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or
7 destroyed motor vehicles shall not be permitted, except as provided by Section 128.0.D.

8 [[7]]8. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet or
9 smaller, such storage shall be limited to the following:

10 a. One recreational vehicle with a length of 30 feet or less; and

11 b. One boat with a length of 20 feet or less.

12 [[8]]9. Snowball stands, subject to the requirements of Section 128.0.D.

13 [[9]]10. Small Wind Energy System, building mounted, on single-family detached dwellings
14 and non-residential structures only, subject to the requirements of Section 128.0.L.

15 [[10]]11. Accessory ground-mount solar collectors
16

17 Howard County Zoning Regulations.

18 Section 112.1: R-APT (Residential: Apartments) District. 19

20 Section 112.1: R-APT (Residential: Apartments) District

21 C. Accessory Uses

22 1. Any use normally and customarily incidental to any use permitted as a matter of right in
23 this District.

24 2. ACCESSORY DWELLING UNIT, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.A.

25 [[2]]3. Farm tenant houses, caretakers' cottages and similar uses customarily accessory to
26 agricultural and residential estate uses, provided that these uses shall not be permitted on
27 parcels of less than 50 acres, and further provided that one unit shall be allowed for each
28 50 acres of that parcel.

29 [[3]] 4. The housing by a resident family of:

30 a. Not more than four non-transient roomers or boarders; or

- 1 b. Not more than eight mentally and/or physically disabled persons or persons 62 years of age or
2 older, provided the use is registered, licensed or certified by the State of Maryland; or
3 c. A combination of a and b above, provided that the total number of persons housed in addition
4 to the resident family does not exceed eight.

5 [[4]]5. Home occupations, subject to the requirements of Section 128.0.C.

6 [[5]]6. Home care, provided that if home care is combined with housing of mentally or
7 physically disabled persons or persons 62 years of age or older, as allowed by Subsection
8 4.b above, the total number of persons receiving home care at any one time plus the
9 number of persons being housed shall not exceed eight.

10 [[6]]7. Parking:

- 11 a. Off-street parking of no more than two commercial vehicles on lots of three or more
12 acres and no more than one commercial vehicle on lots of less than three acres.
13 Private off-street parking is restricted to vehicles used in connection with or in
14 relation to a principal use permitted as a matter of right in the district.
15 b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or
16 destroyed motor vehicles shall not be permitted, except as provided by Section
17 128.0.D.

18 [[7]]8. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet or
19 smaller, such storage shall be limited to the following:

- 20 a. One recreational vehicle with a length of 30 feet or less; and
21 b. One boat with a length of 20 feet or less.

22 [[8]]9. Snowball stands, subject to the requirements of Section 128.0.D.

23 [[9]]10. Small Wind Energy System, building mounted, on single-family detached dwellings
24 and non-residential structures only, subject to the requirements of Section 128.0.L.

25 [[10]]11. Accessory ground-mount solar collectors.
26

27 **Howard County Zoning Regulations.**

28 **Section 113.1: R-MH (Residential: Mobile Home) District.**

29 30 **Section 113.1: R-MH (Residential: Mobile Home) District**

31 **C. Accessory Uses**

1 The following are permitted accessory uses in the R-MH District. More than one accessory use
2 shall be permitted on a lot, provided that the combination of accessory uses remains secondary,
3 incidental and subordinate to the principal use.

4 1. Any use normally and customarily incidental to any use permitted as a matter of right in
5 this District.

6 2. ACCESSORY DWELLING UNIT, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.A.

7 [[2]]3. The housing of not more than four non-transient roomers or boarders by a resident
8 family.

9 [[3]]4. Home occupations, subject to the requirements of Section 128.0.C.

10 [[4]]5. Home care.

11 [[5]]6. Parking:

12 a. Off-street parking of no more than two commercial vehicles on lots of three or more
13 acres and no more than one commercial vehicle on lots of less than three acres. Private
14 off-street parking is restricted to vehicles used in connection with or in relation to a
15 principal use permitted as a matter of right in the district.

16 b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or
17 destroyed motor vehicles shall not be permitted, except as provided by Section 128.0.D.

18 [[6]]7. Management office and maintenance facilities in mobile home parks.

19 [[7]]8. Central common laundry facilities in mobile home parks.

20 [[8]]9. Convenience establishments of a commercial nature, not including Motor Vehicle
21 Fueling Facility but including stores, day care centers, coin-operated laundries and dry
22 cleaners, beauty and barber shops, may be permitted in mobile home parks, provided that
23 such establishments and the parking areas primarily related to their operations:

24 a. May occupy up to 5% of the area of the park, but in any case, not more than two and
25 one-half acres,

26 b. Shall be subordinate to the residential use and character of the park,

27 c. Shall be located, designed and intended to serve frequent trade or service needs of the
28 residents of the park, and

29 d. Shall present no visible evidence of their commercial character from any portion of any
30 residential district outside the park.

31 [[9]]10. Snowball stands, subject to the requirements of Section 128.0.D.

1 [[10]]11. Temporary storage of abandoned mobile homes in mobile home parks, provided that:

- 2 a. This use shall be limited to storage of mobile homes which were occupied and
3 subsequently abandoned by their owners within the mobile home park.
4 b. An abandoned mobile home shall be stored for a period of time not to exceed six
5 months.
6 c. Storage areas shall meet the bulk requirements of Section 113.1.D.3.b, except that the
7 minimum required distance between mobile homes shall not apply to the distance
8 between abandoned mobile homes.
9 d. Prior to moving an abandoned mobile home from its site to a storage area, a permit
10 shall be obtained from the Department of Planning and Zoning. The permit application
11 shall include a plan showing the storage area and documentation that the park owner
12 has begun the necessary proceedings in accordance with State law to take possession
13 of and remove the mobile home from the premises.

14 [[11]]12. Accessory ground-mount solar collectors.
15

16 **Howard County Zoning Regulations.**

17 **Section 114.1: R-VH (Residential: Village Housing) District.**

18 **Section 114.1: R-VH (Residential: Village Housing) District**

19 **C. Accessory Uses**

20 The following are permitted accessory uses in the R-VH District. More than one accessory use
21 shall be permitted on a lot, provided that the combination of accessory uses remains secondary,
22 incidental and subordinate to the principal use.

23 1. Any use normally and customarily incidental to any use permitted as a matter of right in this
24 District.

25 2. ACCESSORY DWELLING UNIT, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.A.

26 [[2]]3. The housing by a resident family of:

- 27 a. Not more than four non-transient roomers or boarders; or
28 b. Not more than eight mentally and/or physically disabled persons or persons 62 years
29 of age or older, provided the use is registered, licensed or certified by the State of
30 Maryland; or

- 1 c. A combination of a and b above, provided that the total number of persons housed in
2 addition to the resident family does not exceed eight.
- 3 [[3]]4. Home occupations, subject to the requirements of Section 128.0.C.
- 4 [[4]]5. Home care, provided that if home care is combined with housing of mentally or
5 physically disabled persons or persons 62 years of age or older, as allowed by Subsection
6 2.b above, the total number of persons receiving home care plus persons being housed
7 shall not exceed eight.
- 8 [[5]]6. Parking:
- 9 a. Off-street parking of no more than two commercial vehicles on lots of three or more
10 acres and no more than one commercial vehicle on lots of less than three acres.
11 Private off-street parking is restricted to vehicles used in connection with or in
12 relation to a principal use permitted as a matter of right in the district.
- 13 b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or
14 destroyed motor vehicles shall not be permitted, except as provided by Section
15 128.0.D.
- 16 [[6]]7. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet or
17 smaller, such storage shall be limited to the following:
- 18 a. One recreational vehicle with a length of 30 feet or less; and
19 b. One boat with a length of 20 feet or less.
- 20 [[7]]8. Accessory ground-mount solar collectors.

22 **Howard County Zoning Regulations.**

23 **Section 114.2: HO (Historic: Office) District.**

24 **Section 114.2: HO (Historic: Office) District**

25 **C. Accessory Uses**

- 26 1. Any use normally and customarily incidental to any use permitted as a matter of right in
27 this district.
- 28 2. ACCESSORY DWELLING UNIT, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.A.
- 29 [[2]]3. Community meeting houses, commercial establishments for receptions and parties.
- 30 [[3]]4. Antennas accessory to a principal use on the lot.

1 [[4]]5. Private parks, athletic fields, exercise facilities, tennis courts, basketball courts and
2 similar private, non-commercial recreation facilities.

3 [[5]]6. Accessory ground-mount solar collectors.
4

5 **Howard County Zoning Regulations.**

6 **Section 114.3: HC (Historic: Commercial) District.**
7

8 **Section 114.3: HC (Historic: Commercial) District**

9 **C. Accessory Uses**

10 1. Any use normally and customarily incidental to any use permitted as a matter of right in
11 this district.

12 2. ACCESSORY DWELLING UNIT, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.A.

13 [[2]]3. Antennas accessory to a principal use on the lot.

14 [[3]]4. Private parks, athletic fields, exercise facilities, tennis courts, basketball courts and
15 similar private, non-commercial recreation facilities.

16 [[4]]5. Accessory ground-mount solar collectors.
17

18 **Howard County Zoning Regulations.**

19 **Section 126.0: PGCC (Planned Golf Course Community) District.**
20

21 **Section 126.0: PGCC (Planned Golf Course Community) District**

22 **C. Accessory Uses**

23 1. The following are permitted as accessory uses to residential uses in the PGCC District. More
24 than one accessory use shall be permitted on a lot, provided that the combination of
25 accessory uses remains secondary, incidental and subordinate to the principal use.

26 a. Any use normally and customarily incidental to any use permitted as a matter of right.

27 b. Accessory DWELLING UNIT, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.A

28 [[apartments, provided that:

29 (1) The area of the lot is at least 12,000 square feet.

30 (2) Except for an exterior entrance and necessary parking area, there shall be no external
31 evidence of the accessory apartment.

- 1 (3) The accessory apartment shall have no more than two bedrooms.]]
- 2 c. The housing by a resident family of:
- 3 (1) Not more than four non-transient roomers or boarders; or
- 4 (2) Not more than eight mentally and/or physically disabled persons or persons 62 years
- 5 of age or older, provided the use is registered, licensed or certified by the State of
- 6 Maryland; or
- 7 (3) A combination of a and b above, provided that the total number of persons housed in
- 8 addition to the resident family does not exceed eight.
- 9 d. Home occupations, subject to the requirements of Section 128.0.C.
- 10 e. Home care, provided that if home care is combined with housing of mentally or
- 11 physically disabled persons or persons 62 years of age or older, as allowed by Subsection
- 12 c.(2) above, the total number of persons receiving home care at any one time plus the
- 13 number of persons being housed shall not exceed eight.
- 14 f. Parking:
- 15 (1) Off-street parking of no more than two commercial vehicles on lots of three or more
- 16 acres and no more than one commercial vehicle on lots of less than three acres.
- 17 Private off-street parking is restricted to vehicles used in connection with or in
- 18 relation to a principal use permitted as a matter of right in the district.
- 19 (2) Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or
- 20 destroyed motor vehicles shall not be permitted, except as provided by Section
- 21 128.0.D.
- 22 g. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet or
- 23 smaller, such storage shall be limited to the following:
- 24 (1) One recreational vehicle with a length of 30 feet or less; and
- 25 (2) One boat with a length of 20 feet or less.
- 26 h. Farm produce stand, not to exceed 300 square feet in floor area, for the retail sale of
- 27 crops, produce, flowers, livestock and poultry products, etc, grown or produced on the lot
- 28 or by the owner of the lot on which such structure is located. Appropriate on-site parking
- 29 spaces shall be provided.
- 30 i. Snowball stands, subject to the requirements of Section 128.0.D.

j. Small Wind Energy System, building mounted, subject to the requirements of Section 128.0.L

k. Accessory ground-mount solar collectors.

Howard County Zoning Regulations.

Section 127.4: TOD (Transit Oriented Development) District.

Section 127.4: TOD (Transit Oriented Development) District

D. Accessory Uses

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district.

2. ACCESSORY DWELLING UNIT, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.A.

[[2]]3. Private parks, athletic fields, exercise facilities, tennis courts, basketball courts and similar private, non-commercial recreation facilities.

[[3]]4. Home occupations, subject to the requirements of Section 128.C.

[[4]]5. Small Wind Energy System, building mounted, subject to the requirements of Section 128.0.L.

[[5]]6. Accessory ground-mount solar collectors.

Howard County Zoning Regulations.

Section 127.5: CAC (Corridor Activity Center) District.

Section 127.5: CAC (Corridor Activity Center) District

C. Accessory Uses

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district.

2. ACCESSORY DWELLING UNIT, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.A.

[[2]]3. Home occupations, subject to the requirements of Section 128.C.

[[3]]4. Private parks, athletic fields, exercise facilities, tennis courts, basketball courts and similar private, non-commercial recreation facilities.

[[4]]5. Retail sale of propane on the site of a principal retail business.

1 [[5]]6. Small Wind Energy System, building mounted, subject to the requirements of Section
2 128.0.L.

3 [[6]]7. Snowball stands, subject to the requirements of Section 128.D.5.

4 [[7]]8. Accessory ground-mount solar collectors.
5

6 **Howard County Zoning Regulations.**

7 **Section 127.6: TNC (Traditional Neighborhood Center) District.**

8 9 **Section 127.6: TNC (Traditional Neighborhood Center) District**

10 **D. Accessory Uses**

11 1. Any use normally and customarily incidental to any use permitted as a matter of right in
12 this district

13 2. ACCESSORY DWELLING UNIT, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.A.

14 [[2]]3. Home occupations, subject to the requirements of Section 128.C.

15 [[3]]4. Private parks, athletic fields, exercise facilities, tennis courts, basketball courts and
16 similar private, non-commercial recreation facilities.

17 [[4]]5. Retail sale of propane on the site of a principal retail business.

18 [[5]]6. Small Wind Energy System, building mounted, subject to the requirements of Section
19 128.0.L.

20 [[6]]7. Snowball stands, subject to the requirements of Section 128.D.5.

21 [[7]]8. Accessory ground-mount solar collectors.
22

23 **Howard County Zoning Regulations.**

24 **Section 128.0. Supplementary Zoning District Regulations.**

25 26 **Section 128.0: - Supplementary Zoning District Regulations**

27 **A. Supplementary Bulk Regulations**

28 The following supplementary regulations shall apply in addition to the requirements of the
29 applicable zoning districts.
30

12. Regulations for detached accessory structures on residentially zoned lots developed with single-family detached dwellings

a. Size restrictions

(1) The maximum cumulative lot coverage permitted for all of the accessory structures, INCLUDING ACCESSORY DWELLING UNITS, located on any given residential lot developed with a single-family detached dwelling is:

~~(a) 600 square feet for a lot in the planned public water and sewer service area.~~

~~(b) 1,200 square feet for a lot in the RC or RR district which is 2 acres or less~~

~~(c) 2,200 square feet for a lot in the RC or RR district which is greater than 2 acres but less than 15 acres.~~

~~(d) 5,000 square feet for a lot in the RC or RR district that is 15 acres or greater.~~

(A) 800 SQUARE FEET FOR A LOT WHICH IS LESS THAN OR EQUAL TO ONE-HALF ACRE.

(B) 1,000 SQUARE FEET FOR A LOT THAT IS GREATER THAN ONE-HALF ACRE AND LESS THAN OR EQUAL TO ONE ACRE.

(C) 1,500 SQUARE FEET FOR A LOT WHICH IS GREATER THAN ONE ACRE AND LESS THAN OR EQUAL TO TWO ACRES.

(D) 2,500 SQUARE FEET FOR A LOT WHICH IS GREATER THAN TWO ACRES BUT LESS THAN OR EQUAL TO 15 ACRES.

(E) 5,000 SQUARE FEET FOR A LOT THAT IS GREATER THAN 15 ACRES.

(2) The cumulative lot coverage restrictions cited above shall apply to all accessory structures on any residentially zoned lot developed with a single-family detached dwelling, excepting only legitimate farm buildings located on properties meeting the definition of "farm", shipping containers used as accessory storage structures, ~~ACCESSORY DWELLING UNITS~~ and swimming pools. Farm structures, shipping containers used as accessory storage structures, ~~ACCESSORY DWELLING UNITS~~ and swimming pools are not subject to size restrictions; however, they must be subordinate and incidental to the principal use.

(3) Ground-mounted accessory solar collectors shall not count toward the lot coverage requirement provided they do not cover more than 2% of the lot.

b. Restrictions for accessory structures

Full baths, full kitchens, AND residential habitation ~~[[and commercial]]~~ ARE PROHIBITED IN ACCESSORY STRUCTURES, EXCEPT AS PART OF AN APPROVED ACCESSORY DWELLING UNIT. COMMERCIAL uses are ~~[[not permitted in accessory structures]]~~ PROHIBITED IN ALL ACCESSORY STRUCTURES, INCLUDING ACCESSORY DWELLING UNITS.

13. Regulations for ~~[[Accessory Apartments]]~~ ACCESSORY DWELLING UNITS

The following shall apply to all ~~[[accessory apartments]]~~ ACCESSORY DWELLING UNITS:

- a. The accessory ~~apartment~~ DWELLING UNIT must be located within an owner occupied dwelling OR ON A PROPERTY WHERE THE OWNER RESIDES. The owner may occupy either the principal dwelling or the ~~[[accessory apartment]]~~ ACCESSORY DWELLING UNIT. ACCESSORY DWELLING UNITS SHALL NOT BE USED AS SHORT TERM RENTALS.
- b. ~~[[If the accessory apartment is within an addition to the existing dwelling it must share a common wall overlap of at least 50% of the length of the shared wall. The apartment cannot be separated from the principal dwelling by an attached garage or a breezeway.]]~~ ONLY ONE DETACHED OR ATTACHED ACCESSORY DWELLING UNIT IS PERMITTED PER LOT, TRACT OR PARCEL THAT IS DEVELOPED WITH A SINGLE-FAMILY DETACHED, SINGLE-FAMILY ATTACHED, AND SINGLE-FAMILY SEMI-DETACHED AND TWO-FAMILY DWELLING UNITS. DWELLING UNIT. ONLY ONE ATTACHED ACCESSORY DWELLING UNIT IS PERMITTED PER LOT, TRACT, OR PARCEL THAT IS DEVELOPED WITH A SINGLE-FAMILY ATTACHED OR SEMI-ATTACHED DWELLING UNIT.
- c. ~~[[In all dwellings, an accessory apartment shall occupy no more than one-third of the net floor area of the building, up to a maximum of 1,500 square feet. The boundaries of the accessory apartment must encompass at a minimum area devoted to sleeping, food preparation, sanitary facilities and the intervening areas which link these. The floor area of the accessory apartment includes one-third of the area of shared storage or utility areas.~~

1 Accessory apartments which exceed 1,500 square feet or more than one-third of the net
2 floor area of the building may be permissible in the RC, RR, R-ED, R-20, or R-12
3 Districts if a Conditional Use for a two-family dwelling is approved by the Hearing
4 Authority.]] ACCESSORY DWELLING UNITS CAN BE SEPARATE FROM THE PRINCIPAL
5 SINGLE-FAMILY DETACHED, ~~SINGLE-FAMILY ATTACHED, AND SINGLE-FAMILY SEMI-~~
6 ~~DETACHED AND TWO-FAMILY DWELLING UNITS, ATTACHED AS AN ADDITION TO THE~~
7 ~~PRINCIPAL SINGLE-FAMILY DETACHED, SINGLE-FAMILY ATTACHED, AND SINGLE-FAMILY~~
8 ~~SEMI-DETACHED AND TWO-FAMILY DWELLING UNITS, DWELLING UNIT~~ OR WITHIN AN
9 EXISTING SINGLE-FAMILY DETACHED, SINGLE-FAMILY ATTACHED; AND SINGLE-FAMILY
10 SEMI-DETACHED ~~AND TWO-FAMILY DWELLING UNITS.~~

11 d. An accessory [[apartment]]DWELLING UNIT shall operate only upon approval of a
12 permit issued by the Department of Planning and Zoning based on compliance with the
13 requirements of this section and those of the applicable zoning district with the permit
14 application, the owner must submit a floor plan drawn to scale which delineates the
15 boundaries of the accessory DWELLING UNIT[[apartment]] and [[identifies all of the
16 living spaces as specified in (c) above.]]A PLOT PLAN SHOWING COMPLIANCE WITH THE
17 MAX SIZE LIMITATION AND COMPLIANCE WITH THE REQUIRED SETBACKS. THE PLOT PLAN
18 SHALL DEMONSTRATE ADEQUATE WATER CONVEYANCE SO AS NOT TO IMPACT
19 NEIGHBORING PROPERTIES OR THE EXISTING SUBDIVISION'S STORMWATER
20 MANAGEMENT FACILITIES.

21 E. ACCESSORY DWELLING UNITS SHALL HAVE A MAXIMUM SIZE LIMITATION EQUAL TO 75%
22 OF THE SIZE OF THE PRINCIPAL SINGLE-FAMILY DETACHED, SINGLE-FAMILY ATTACHED;
23 AND SINGLE-FAMILY SEMI-DETACHED ~~AND TWO-FAMILY DWELLING UNITS.~~ FOR THE
24 PURPOSE OF THIS REGULATION, SIZE SHALL BE CALCULATED BASED ON THE LOT
25 COVERAGE OF THE PRINCIPAL DWELLING.

26 F. ACCESSORY DWELLING UNITS SHALL HAVE NO MORE THAN TWO BEDROOMS.

27 ~~G. IF AN ACCESSORY DWELLING UNIT IS DETACHED FROM THE PRINCIPAL DWELLING, IT~~
28 ~~SHALL COMPLY WITH THE ACCESSORY STRUCTURE SIDE AND REAR SETBACKS OF THE~~
29 ~~UNDERLYING ZONING DISTRICT. AN ACCESSORY DWELLING UNIT WITHIN A DETACHED~~
30 ~~STRUCTURE SHALL COMPLY WITH THE FRONT SETBACK REQUIREMENTS OF THE~~
31 ~~UNDERLYING ZONING DISTRICT AND MAY BE LOCATED IN FRONT OF THE PRINCIPAL~~

~~SINGLE FAMILY DETACHED, SINGLE FAMILY ATTACHED, AND SINGLE FAMILY SEMI-
DETACHED DWELLING UNITS IF IT IS WITHIN AN EXISTING DETACHED STRUCTURE.~~

G. ACCESSORY DWELLING UNITS SHALL COMPLY WITH ALL SETBACKS REQUIRED IN THE
UNDERLYING ZONING DISTRICT. ON A PARCEL LESS THAN 10 ACRES, A DETACHED
ACCESSORY DWELLING UNIT MAY ONLY BE CONSTRUCTED IN FRONT OF A PRINCIPAL
DWELLING IF IT IS WITHIN A DETACHED STRUCTURE THAT EXISTED BEFORE MARCH 31,
2026.

H. ACCESSORY DWELLING UNITS ARE PROHIBITED ON LOTS DEVELOPED WITH TWO-FAMILY
DWELLING UNITS.

I. AN OWNER WHO RENTS OR LEASES AN ACCESSORY DWELLING UNIT (ADU) SHALL
COMPLY WITH ALL RENTAL HOUSING PROVISIONS ARTICULATED IN SUBTITLE 9 OF TITLE
14 OF THE HOWARD COUNTY CODE.

G. Traditional Residential Neighborhoods

3. Permitted Uses

Uses permitted as a matter of right, accessory uses, and Conditional Use shall be as indicated in the applicable section of these Regulations, except that ~~[[accessory apartments]]~~ ACCESSORY DWELLING UNITS shall be permitted accessory uses in any Traditional Residential Neighborhood subject to the following conditions:

~~[[a. The area of the lot shall be at least 8,000 square feet, unless the accessory apartment is located in a Traditional Residential Neighborhood within a R-MH (Residential: Mobile Home) District.]]~~

~~[[b]]A. The ~~[[accessory apartment]]~~ ACCESSORY DWELLING UNIT shall have no more than two bedrooms.~~

Howard County Zoning Regulations.

Section 131.0. Conditional Uses.

Section 131.0. Conditional Uses

N. Conditional Uses and Permissible Zoning Districts

	Zoning Districts																														
Conditional Use	R C	R R	R-E D	R-20	R-12	R-S C	R-SA-8	R-HE D	R-A-15	R-APT	R-M H	R-SI	R-V H	CCT	TOD	CAC	TNC	PGCC	HO	HC	POR	PEC	BR	OT	B-1	B-2	SC	M-1	M-2	CE	I
[[Dwelling, Accessory Family]]	[[✓	✓	✓	✓	✓]]																										
[[Two-family Dwellings and Accessory Apartments]]	[[✓	✓	✓	✓	✓	✓																									

1

2 The Hearing Authority may grant Conditional Uses in the specified districts in accordance with
3 the following minimum criteria.

4

5 **[[18. Dwelling, Temporary Accessory Family**

6 A Conditional Use may be granted in the RC, RR, R-ED, R-20 or R-12 Districts for a temporary
7 accessory family dwelling provided that:

8 a. The minimum lot size shall be 2 acres.

9 b. The temporary accessory family dwelling shall be accessory to a single-family detached
10 dwelling on the same lot.

11 c. If the temporary accessory family dwelling is a removable modular building, the
12 maximum gross floor area of the use shall be less than 1,000 square feet. If the temporary
13 accessory family dwelling is proposed as an alteration to an existing accessory building,
14 the Hearing Authority may increase the maximum gross floor area of the use to 1,000
15 square feet or greater, provided that the use clearly remains subordinate to the principal
16 dwelling on the lot. A temporary accessory family dwelling is not subject to the standard
17 lot coverage regulations for accessory structures in Section 128.0.A.

18 d. For newly constructed or installed temporary accessory family dwellings, the petition
19 shall include a plan for appropriate screening as necessary to provide an attractive

1 buffering for neighboring residential properties.

2 e. A resident of the temporary accessory family dwelling shall be a relative of at least one
3 resident of the principle dwelling and shall either be:

4 (1) 62 years of age or older; or

5 (2) 18 years of age or older and determined by a qualified medical authority to have
6 physical, mental, or developmental impairments that:

7 (a) Are expected to be of a long, continued and indefinite duration;

8 (b) Substantially impede the ability to live independently or are of such a nature that
9 the ability to live independently is facilitated by more suitable living conditions.

10 f. If determined necessary by a qualified medical authority, a long-term caregiver shall also
11 be permitted to reside in the temporary accessory family dwelling.

12 g. No more than one temporary accessory family dwelling or accessory apartment shall be
13 permitted per lot.

14 h. The name of the elderly or disabled family member who will reside in the temporary
15 accessory family dwelling shall be documented with the Conditional Use approval. The
16 temporary accessory family dwelling shall only be used as a dwelling unit for the housing
17 of this elderly or disabled family member of the resident of the principal dwelling unit
18 and a long-term caregiver as provided above, and shall not be used as a dwelling unit by
19 any other person(s).

20 i. A Conditional Use for a temporary accessory family dwelling shall become void unless
21 an owner of the property provides an affidavit to the Hearing Authority once a year from
22 the date of approval attesting under penalties of perjury that the accessory family
23 dwelling continues to comply with the specific requirements of this section.

24 j. If the temporary accessory family dwelling is a removable modular building, it shall be
25 removed from the property within 60 days after the documented elderly or disabled
26 family member no longer resides in this dwelling. If the temporary accessory family
27 dwelling is established as an alteration to an existing accessory building, 60 days after the
28 documented elderly or disabled family member no longer resides in this building , the
29 alterations authorized by the Conditional Use shall be removed and the accessory
30 building shall no longer be used as a dwelling.]]

1 **[[19]]18. Farm Tenant House**

2 A Conditional Use may be granted in the RC and RR Districts for a farm tenant house as defined
3 in these Regulations, provided that:

- 4 a. The house is to be occupied by at least one person involved in a bona fide farming operation
5 of the owner. The petitioner shall provide documentation substantiating this requirement.
6 b. The house shall be located on a parcel which is principally used for farming and is at least
7 25 acres but less than 50 acres in area.
8 c. The parcel on which the farm tenant house will be located must be improved with a
9 principal dwelling unless, based on justification of need submitted by the petitioner, the
10 Hearing Authority authorizes an exception to this requirement based on the nature of
11 farming activities on the property.
12 d. In the event farming ceases to be the principal use on the property, the house shall either
13 be removed or converted to no longer be used for residential purposes, or the property
14 subdivided so that the house becomes a principal single-family detached dwelling on a
15 legal lot, except that a farm tenant house approved prior to October 6, 2013 shall not be
16 subject to this criteria.

17
18 **[[20]]19. Fast Food Restaurant**

19 A Conditional Use may be granted for a fast-food restaurant in the B-1, M-1 or M-2 Districts,
20 provided that:

- 21 a. At least 20% of the site area will be landscaped. The petitioner shall submit a specific
22 landscaping plan, which if approved becomes binding on the development of the facility.
23 The landscaping plan must include plantings which enhance the appearance of the site from
24 public roads and provide buffering for adjacent uses.
25 b. The petitioner shall demonstrate that the noise generated by speakers for drive-through
26 service lanes will not be audible from residentially zoned land and residential uses.
27 c. If the site borders a residential district:
28 (1) A detailed lighting plan must be approved by the Hearing Authority.
29 (2) Solid walls such as masonry or wood and masonry may be required by the Hearing
30 Authority. When solid walls are required, landscape planting is required between the
31 wall and the property line.

1
2 **[[21]]20. Funeral Homes and Mortuaries**

3 A Conditional Use may be granted in the RC, RR, R-ED or R-20 Districts for funeral homes or
4 mortuaries provided that:

- 5 a. The area of the lot shall be not less than three acres.
- 6 b. The site has frontage on and direct access to a collector or arterial highway designated in
7 the General Plan.
- 8 c. The design of new structures or additions to existing structures will be compatible in scale
9 and character with residential development in the vicinity, as demonstrated by architectural
10 elevations or renderings submitted with the petition.
- 11 d. Buildings, parking areas and outdoor activity areas will be at least 50 feet from adjoining
12 residentially zoned properties other than public road rights-of-way. The Hearing Authority
13 may reduce this setback to no less than 20 feet or the minimum setback required by the
14 zoning district, whichever is greater, if:
- 15 (1) The adjoining land is committed to a long term institutional or open space use that
16 provides an equivalent or better buffer for vicinal residential development or;
- 17 (2) The petition includes detailed plans for screening, consisting of a combination of a solid
18 fence or wall and landscaping, or an equivalent combination, that presents an attractive
19 and effective buffer for neighboring properties.
- 20 e. At least 20% of the area within the building envelope shall be green space, not used for
21 buildings, parking area or driveways. The building envelope is formed by the required
22 structure setbacks from property lines and public street rights-of-way.

23
24 **[[22]]21. Gases, Non-Toxic Industrial (Manufacture, Sale, Storage and Distribution)**

25 A Conditional Use may be granted in the M-2 District for the manufacture, sale, storage and
26 distribution of acetylene and other non-toxic industrial gases provided that:

- 27 a. Maximum above-ground storage shall not exceed 10,000 gallons or its equivalent in
28 pounds or cubic feet for each 20,000 square feet of lot area;
- 29 b. When the use is closed or not operated for a continuous period of twelve months, the gas
30 storage facilities shall be dismantled and removed from the site;
- 31 c. The minimum structure and use setback from all property lines shall be 75 feet.

1
2 **[[23]]22. Gasoline, Fuel Oil, Liquefied Petroleum and Compressed Natural Gas, Bulk**
3 **Storage of**

4 A Conditional Use may be granted in the B-2, M-1 or M-2 Districts for the bulk storage of gasoline,
5 fuel oil, liquefied petroleum or compressed natural gas, provided that:

- 6 a. Maximum storage above ground shall not exceed 10,000 gallons or its equivalent in pounds
7 or cubic feet, for each 20,000 square feet of lot area. Except that total storage of liquefied
8 petroleum or compressed natural gas in the B-2 District shall not exceed 2,000 gallons and
9 no single container may contain more than 1,000 gallons of liquefied petroleum or
10 compressed natural gas. Total storage above ground shall not exceed 20,000 gallons in the
11 M-1 District but shall not be limited in the M-2 District
- 12 b. If the use is closed or not operated for a continuous period of twelve months, the storage
13 facilities shall be dismantled and removed from the site.
- 14 c. Solid walls such as masonry or wood and masonry may be required by the Hearing
15 Authority when the site adjoins a residential district. When solid walls are required,
16 landscape planting is required between the outside of the wall and the property line.
- 17 d. The minimum structure and use setback from all property lines shall be 75 feet.

18
19 **[[24]]23. Reserved**

20
21 **[[25]]24. Golf Courses**

22 A Conditional Use may be granted in the RC and RR Districts, on properties that are not ALPP
23 purchased or dedicated easement properties, and in the R-ED, R-20, R-12, R-SC or R-SA-8
24 Districts for country clubs with golf courses, provided that:

- 25 a. A minimum setback of 50 feet is required for all structures and uses from all adjoining
26 properties. This may be reduced by the Hearing Authority if the adjoining property is a
27 farm
- 28 b. A separation distance of at least 100 feet will be provided between the edge of golf course
29 fairways and existing residential structures. The design of the fairways shall minimize the
30 potential of errant golf shots from causing damage or hazards on adjoining properties to
31 the greatest extent possible.

- c. Outdoor uses will be located and designed to shield residential property from noise or nuisance.
- d. Other athletic, recreational or social uses accessory to the principal use, such as typical country club uses, are permitted if approved by the Hearing Authority
- e. For an existing golf course approved prior to October 6, 2013, compliance with Section A and Section B above is only necessary for significant redevelopment of the facility.
- f. An existing use approved under the former Special Exception and Conditional Use category for "Country Clubs and Golf Courses" prior to October 6, 2013, shall be considered conforming under the conditions of the original approval. Enlargements and/or extensions to this previously approved use shall only be subject to the general standards and to Section A, Section C and Section D above.

[[26]]25. Guest House

A Conditional Use may be granted in the R-12 District for a guest house provided that:

- a. The minimum lot size shall be 1 acre. The maximum lot size shall be 2 acres. The parcel shall have frontage on and direct access to an arterial road designated in the General Plan
- b. Accessory rural venue space uses are not permitted.
- c. The Hearing Authority shall establish limitations on the size and frequency of indoor events with food and drink, considering the size, design and location of the facility in relation to neighboring properties. The guest house shall post rules to prevent guest noise from disturbing neighbors.
- d. The Hearing Authority shall establish limitations on the hours for trash collection and deliveries.
- e. The front setback for parking shall be the same as the front setback for structures.
- f. The owner of the guest house shall reside on the property. The Hearing Authority may permit the owner to reside off-site and allow a specific owner's agent if the Hearing Authority finds that such an arrangement will ensure that the use will be properly maintained and managed in accordance with all criteria and conditions.
- g. The maximum floor area ratio ("FAR") for the guest house shall be 0.5 FAR.
- h. The use shall have a minimum of 15 guest rooms and a maximum of 19 guest rooms.

- i. On-site parking shall meet, but not exceed, minimum parking requirements for hotel and motel uses. Parking shall be limited to approved paved parking spaces and there shall be no off-site or valet parking.
- j. Meals may be served to guests residing on the premises only and there shall be no public restaurant use.

[[27]]26. Historic Building Uses

A Conditional Use may be granted for the conversion of a historic building in the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, R-APT, R-MH, POR, B-1, B-2, M-1, and M-2 Districts to apartments and in the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-A-15, R-APT and R-MH Districts to business and professional offices, specialty stores, standard restaurants, arts and crafts classes, antiques shops, art galleries, craft shops; bakeries (provided all goods baked on the premises shall be sold at retail from the premises); furniture upholstery, and similar services; personal service establishments; seasonal sale of Christmas trees or other decorative plant materials, subject to the requirements of Section ~~128.0.D.4~~ 128.0.D.6; service agencies; or community meeting halls, provided that:

- a. The building is a historic structure as defined in these Regulations.
- b. The maximum number of dwelling units permitted shall be one dwelling unit for every 800 square feet of building area.
- c. Extension or enlargement of the principal historical structure and all accessory structures may not exceed 50% of the gross floor area of each individual building above that which existed on August 1, 1989, when ZB 882R was adopted adding the historic building use category to these Regulations.
- d. Exterior alterations to the historic structure shall be architecturally compatible with the historic structure as determined by the Historic District Commission, prior to the approval of the Conditional Use.
- e. A historic building converted into a community meeting hall or offices shall be subject to the following standards:
 - (1) No material or equipment shall be stored outside of structures.

1 (2) Parking areas shall be set back a minimum of 30 feet from all property lines or
2 public street rights-of-way and screened from the roadway and adjacent
3 properties.

4 (3) The site shall have frontage on and direct access onto a collector or arterial road
5 designated in the General Plan

6 f. A historic building that is converted for historic venue uses shall be subject to the following
7 standards:

8 (1) The property is located in an R-20 district.

9 (2) The minimum lot size shall be 7 acres.

10 (3) The use shall not share a driveway with another residential lot.

11 (4) Parking areas shall be set back a minimum of 30 feet from all property lines or public
12 street rights-of-way, and as close as possible to the primary ingress or egress points,
13 and adequately screened to minimize visibility from the roadway and adjacent
14 properties.

15 (5) The site shall have frontage on and direct access onto a collector or arterial road
16 designated in the general plan.

17 (6) Outdoor use is permitted provided that any outdoor use area is located and screened to
18 adequately shield adjacent residential lots from noise and nuisance. Any temporary
19 structure, including tents, shall be within the fully screened approved outdoor use area.

20 (7) All outdoor uses shall be located within 350 feet of the principal historic structure on
21 the property.

22 (8) Petitioner shall submit a sound management plan demonstrating how sound from
23 outdoor uses will be managed to minimize adverse impacts on surrounding
24 residential properties. The sound management plan shall include provisions made to
25 mitigate the impact of any amplified sound equipment. The sound management plan
26 shall be reviewed by the hearing authority every three years.

27 (9) The source of all amplified music, including speakers and all relevant sound producing
28 or enhancing equipment, shall be sited within 175 feet of the principal historic structure
29 and not less than 200 feet from any adjacent residential dwelling, and remain in that
30 location during the entirety of an event.

1 (10) No amplified music shall be permitted between 7:00 p.m. and 11:00 a.m., unless
2 contained in a soundproof structure with no perceptible sound at lot lines.

3 (11) Section 8.900 of the County Code - Noise Affecting Residential Areas applies to all
4 events under this subsection.

5 (12) The petitioner will ensure that parking is sufficient and the perimeter of the property
6 is secure so that there is no overflow parking or pedestrian traffic from events by
7 patrons in any of the adjacent or nearby residential areas.

8 (13) Outdoor uses, including parking, shall be fully screened from all adjacent
9 properties, except along the boundary with any arterial road.

10 (14) The hearing authority may set the days, hours of operation, and maximum
11 number of guests for historic venue uses.

12 (15) For a historic building converted for historic venue use shall become void unless an
13 owner of the property provides an affidavit to the hearing authority once every six years
14 from the date of approval attesting under penalties of perjury that the historic building
15 converted for historic venue conditional use continues to comply with the specific
16 requirements of this section.

17 g. On an ALPP purchased or dedicated easement property, the following additional criteria
18 are required:

19 (1) The use shall not interfere with the farming operations or limit future farming
20 production.

21 (2) Any new building or building addition associated with the use, including any outdoor
22 storage and parking area shall count towards the cumulative use cap of 2% of the
23 easement
24

25 **[[28]]27. Home-Based Contractors**

26 A Conditional Use may be granted in the RC, RR and R-20 Districts for home-based contractors,
27 subject to the following requirements, except that landscape contractors have separate
28 requirements elsewhere in Section 131.0.N., and home-based contractors meeting the requirements
29 of Section 128.0.C.2 are permitted accessory uses:

- 1 a. The minimum lot size is three acres in the RC and RR Districts. The minimum lot size is
2 2.5 acres in the R-20 district and the lot shall abut an intermediate arterial highway, as
3 designated in the General Plan.
- 4 b. The number of commercial vehicles parked on the site shall be limited to three commercial
5 vehicles for lots up to six acres, and five commercial vehicles for lots larger than six acres
6 and not more than 20 acres.
7 On lots larger than 20 acres, the Hearing Authority may approve additional commercial
8 vehicles, as is determined to be appropriate based upon the character of the property and
9 its relation to the surrounding area.
- 10 c. On lots six acres or fewer, the area used for parking and storage of commercial vehicles,
11 equipment and supplies, whether exterior or interior, shall be limited to no more than 50%
12 of the area of the lot or 10,000 square feet, whichever is less. On lots larger than six acres,
13 the area used for these purposes shall be limited to no more than 5% of the lot or one acre,
14 whichever is less.
- 15 d. In the RR and RC Districts, structures used for the Conditional Use shall be at least 50 feet
16 from lot lines and all outdoor parking or storage areas shall be at least 100 feet from lot
17 lines.
- 18 e. In the R-20 district, structures for and uses of the home-based contractor conditional use
19 shall be restricted as follows:
20 (1) The use shall not alter the residential appearance of the neighborhood.
21 (2) The structures used for the Conditional Use shall be at least 100 feet from the nearest
22 residential lot lines.
23 (3) Outdoor parking or storage areas shall be at least 75 feet from residential lot lines and
24 screened from public streets and residential lots by solid walls, fences, or a tree buffer
25 at least 25 feet wide.
- 26 f. The location and design of the operation shall be such that the use will not be a nuisance
27 to residents of neighboring properties due to noise, dust or fumes. Particular consideration
28 shall be given to the location of loading areas, parking and circulation areas, and driveways
29 in relation to neighboring properties.

- 1 g. If the driveway providing access to the proposed site is shared with other properties, the
2 petitioner shall demonstrate that the use will not result in damage to or deterioration of the
3 shared driveway or in increased hazards to other users of the driveway.
- 4 h. Parking and storage areas shall be restricted as follows:
- 5 (1) Supplies shall be stored within a building, except that mulch, compost, soil, sand, stone
6 and other natural materials may be stored outdoors. Supplies stored outdoors must be
7 fully screened from surrounding properties and roads by vegetation, fencing or other
8 appropriate means in accordance with the County Landscape Manual.
- 9 (2) Equipment shall be either stored within a building or screened from surrounding
10 properties and roads by vegetation, fencing or other appropriate means in accordance
11 with the Howard County Landscape Manual.
- 12 i. The Hearing Authority shall establish the maximum number of employees permitted on
13 the lot and the maximum allowable number of employee trips per day.
- 14 j. The Hearing Authority shall establish the days and hours of operation.
- 15 k. New structures or additions to existing structures shall be designed to be compatible in
16 appearance and scale with other residential or agricultural structures in the vicinity, as
17 demonstrated by architectural elevations or renderings that shall be submitted with the
18 petition.
- 19 l. Minor repairs to vehicles or equipment shall be permitted, provided such activities take
20 place inside a building. Body work, engine rebuilding, engine reconditioning, painting and
21 similar activities shall not be permitted.
- 22 m. Where two or more adjacent lots are under common ownership and used as a single
23 homesite, home-based contracting uses may be located on a different lot than the principal
24 dwelling, if the Hearing Authority determines that this will provide a more compatible
25 location in relation to vicinal properties that effective screening will be provided by using
26 existing site features, or that it will result in decreased impacts on neighboring lots.
- 27 n. On an ALPP purchased or dedicated easement property, the following additional criteria
28 are required:
- 29 (1) The use shall not interfere with the farming operations or limit future farming
30 production.

- (2) Any new building or building addition associated with the use, including any outdoor storage and parking area shall count towards the cumulative use cap of 2% of the easement.

[[29]]28. Home Occupations

A Conditional Use may be granted in the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-H-ED R-A-15, R-APT, R-MH, R-VH, PGCC, TOD, CAC and TNC Districts for home occupations subject to the following requirements. Home occupations meeting all requirements of Section 128.0.C.1 are permitted accessory uses:

- a. Home occupations approved under this section include the following uses:

- (1) Those listed in Section 128.0.C. which exceed the floor area restrictions or the nonresident employee or client visitation limitations of that Section;
- (2) Home Occupations which plan to construct a new detached accessory structure;
- (3) Individual or group instruction of more than 6 students at one time in an academic or non-academic subject;
- (4) Catering, subject to health department approval; and
- (5) Other home occupations may be approved by the Hearing Examiner for single-family detached properties 12,000 square feet or greater in area, excluding specific home based businesses that are allowed under other Conditional Use categories listed at the beginning of Section 131.0.N.

- b. The total area devoted to the home occupation may exceed 33% of the gross floor area of the dwelling.

- c. The petition shall include a plot plan showing the location and dimensions of structures, parking areas and driveways and a floor plan showing the dimensions and boundaries of the home occupation.

- d. The home occupation shall be located entirely within the dwelling, an accessory building, or both.

- e. The home occupation shall not alter the residential character or appearance of the dwelling or the lot. An existing or proposed accessory building used for the home occupation must be compatible in scale, character and appearance with the residential character of the site and the neighborhood.

- 1 f. There shall be no exterior evidence, other than a permitted sign, to indicate that the site is
2 being used for any purpose other than that of a dwelling. Exterior evidence shall include
3 outdoor display or storage, noise, dust, vibration, glare, fumes or odors or extensive parking
4 area.
- 5 g. The unrestricted sale or rental of commodities may not take place on the lot.
6 Allowed sales related activities include: processing orders by mail, telephone or computer;
7 receiving and mailing merchandise (subject to the limitation on truck deliveries); storage
8 of catalogues, samples, previously ordered merchandise and inventory; office functions
9 such as telephone, computer, and record keeping. In addition, occasional, small volume
10 sales associated with home parties held for the purposes of the display and sale of goods
11 such as cookware, fashion accessories, skin care products, etc. may occur on the site at a
12 frequency determined by the Hearing Authority.
- 13 h. Prohibited home occupations include, but are not limited to the following uses:
14 (1) Vehicle repair, sales or rentals.
15 (2) Restaurants.
16 (3) Laundry and dry cleaning services.
17 (4) Firearm sales.
- 18 i. The home occupation shall be principally conducted by persons residing in the dwelling.
19 In addition, not more than five nonresident employees may work on the lot at one time in
20 connection with the home occupation.
- 21 j. Business-related off-street parking areas shall be screened from public roads and
22 neighboring properties.
- 23 k. No business-related deliveries by trucks with more than two axles shall be permitted. Parcel
24 post and other similar delivery trucks are permitted.
- 25 l. On an ALPP purchased or dedicated easement property, the following additional criteria
26 are required:
27 (1) The use shall not interfere with the farming operations or limit future farming
28 production.
29 (2) Any new building addition associated with the use, including any outdoor storage and
30 parking area shall count towards the cumulative use cap of 2% of the easement.
31

1 **[[30]]29. Junk Yard**

2 A Conditional Use may be granted for a junk yard in the M-2 District, provided that:

- 3 a. The lot for the proposed junk yard shall be not less than one but not more than five acres.
- 4 b. Outdoor areas used for the processing, dismantling, cleaning or storage of parts, material
- 5 or motor vehicles will be:
- 6 (1) At least 300 feet from any other zoning district, at least 50 feet from public street rights-
- 7 of-way and at least 30 feet from property lines; and
- 8 (2) Enclosed by a solid wood or masonry wall or fence, 6 to 8 feet high, of a design
- 9 approved by the Hearing Authority. Building walls may form part of the enclosure.
- 10 c. No storage of tires shall be permitted.
- 11 d. All toxic materials shall be properly disposed of in accordance with established Federal,
- 12 State and County Regulations.
- 13

14 **[[31]]30. Kennels and Pet Grooming Establishments**

15 A Conditional Use may be granted in the RC, RR or R-20 Districts for kennels or pet grooming

16 establishments, and in the B-1 District for kennels, provided that:

- 17 a. For kennels housing or training eleven or more animals at one time, the following
- 18 requirements shall apply:
- 19 (1) Minimum lot size5 acres
- 20 (2) Minimum setback for outdoor training and exercise areas and outside pens and runs
- 21 from any lot line200 feet
- 22 (3) Minimum structure setback
- 23 a) From public street right-of-way100 feet
- 24 b) From any other lot line200 feet
- 25 (4) The Hearing Authority may reduce the 200 foot setback from lot lines for structures
- 26 and outdoor training and exercise areas and outside pens or runs to a distance no less
- 27 than 150 feet if it finds that the setback reduction will not adversely affect neighboring
- 28 properties due to visual impact, noise, dust, odors or other causes, and that the outdoor
- 29 training area, pen, run or structure will be located at least 200 feet from existing
- 30 dwellings on different lots. Outside pens and runs and outdoor training and exercise

1 areas for which this setback reduction is approved shall be enclosed by solid fences or
2 walls.

- 3 b. For pet grooming establishments not located completely within a residence, or for kennels
4 housing or training no more than eight animals at any one time, the following requirements
5 shall apply:

6 (1) Minimum lot size3 acres

7 (2) Minimum setback for outdoor training and exercise areas and outside pens and runs
8 from any lot line150 feet

9 (3) Minimum structure setback:

10 a) From public street right-of-way75 feet

11 b) From any other lot line100 feet

- 12 c. For pet grooming establishments in which all business activities take place within a
13 residence, the minimum lot size shall be 40,000 square-feet.

- 14 d. All parking areas and outside pens and runs, and as appropriate, all buildings shall be
15 screened by landscaping or other suitable means from adjoining properties and public street
16 rights-of-ways.

- 17 e. Disposal of wastes must be such that odors or other emissions are not perceptible at lot
18 lines;

- 19 f. The lot shall have frontage on and direct access to a collector or arterial road designated in
20 the General Plan.

- 21 g. On an ALPP purchased or dedicated easement property, the following additional criteria
22 are required:

23 (1) The use shall not interfere with farming operation or limit future farming production.

24 (2) Any new building or building addition associated with the use, including any outdoor
25 storage and parking area shall count towards the cumulative use cap of 2% of the
26 easement.

27
28 **[[32]]31. Landscape Contractors**

29 A Conditional Use may be granted in the RC and RR Districts for landscape contractors, provided
30 that:

- 31 a. The site is at least 5 acres in area.

- b. Buildings and outdoor areas to be used for parking, loading and storage of vehicles, equipment and tools and supplies shall be delineated on the Conditional Use plan and located at least 100 feet from lot lines and public roads.
- c. The location and design of the operation shall be such that the use will not be a nuisance to neighboring properties due to noise, dust or fumes.
- d. Buildings used for storage or offices will be screened or compatible in scale and character with other residential or agricultural structures in the vicinity. If new structures or additions to structures are proposed, architectural elevations or renderings must be submitted with the petition.
- e. Outdoor parking and storage areas shall be screened from neighboring properties and roads.
- f. Minor repairs to vehicles or equipment are permitted, provided such activities take place inside a building. Body work, engine rebuilding, engine reconditioning, painting and similar activities are not permitted.
- g. The area used for parking and storage of commercial vehicles, equipment, materials and supplies, whether exterior or interior, shall be limited to no more than 5% of the area of the lot.
- h. The Hearing Authority shall set limits on the maximum number of employees and shall set the days and hours of operation.
- i. A snow removal service shall not be conducted as an accessory use unless specifically authorized by the Hearing Authority, upon a finding that the noise and level of activity of such a service will not be a nuisance to the neighborhood.
- j. On an ALPP purchased or dedicated easement property, the following additional criteria are required:
 - (1) The use shall not interfere with farming operations or limit future farming production.
 - (2) Any new building or building addition associated with the use, including any outdoor storage and parking area shall count towards the cumulative use cap of 2% of the easement.

[[33]]32. Rural Venue Space

A Conditional Use may be granted for rural venue space in the RC District, provided that:

- a. The minimum lot size is 5 acres or greater.

- 1 b. The driveway providing access to the proposed site provides adequate site distance and has
2 the capacity to accommodate expected traffic. the driveway access to the site shall not be
3 shared with other properties; however, the Hearing Authority may waive this criteria if the
4 Petitioner provides a use-in-common easement signed by the owners of all properties that
5 have a legal right to share the driveway confirming they do not object to the use of the
6 driveway for the use. The easement shall (i) State that the agreement runs with the land and
7 binds all future owners and (ii) Be recorded in the land records of Howard County. If the
8 site has direct access to and frontage on a local road, the petitioner shall demonstrate that
9 the use will not adversely impact use of the local road by demonstrating adequate sight
10 distance and capacity to manage the anticipated volume of road use.
- 11 c. The petitioner shall provide a traffic management plan and a sight distance analysis.
- 12 d. The rural venue space are the following private functions: Picnics, weddings,
13 anniversary/retirement parties, bridal or baby showers, not for profit organization fund
14 raisers, banquets, rehearsal dinners, philanthropic events, or other similar events.
- 15 e. Any outdoor assembly area is located and designed to shield residential property from noise
16 or nuisance and screened from adjacent residential properties. For amplified noise, the
17 property owner must keep a noise log of recorded decibels to show compliance with
18 County's noise ordinance. Decibels must be recorded at the property line and taken at least
19 3 separate times including the beginning, middle, and end of the amplified music event.
20 The log must be furnished upon the request of the Department of Planning and Zoning.
21 Any amplified noise after 10pm must be located indoors.
- 22 f. Rural venue space events shall have the following limitations:
- 23 (1) Maximum capacity shall not exceed:
- 24 (a) 150 attendees on a 5-acre parcel
- 25 (b) 250 attendees on a 20-acre parcel
- 26 (c) 10 additional attendees for each acre in excess of 20 acres not to exceed
27 300 attendees.
- 28 (2) No more than 25 of these events shall be held within a one year period, unless
29 additional events are approved by the Hearing Authority.

(3) Operation hours shall be restricted to between 9:00 a.m. and 10:00 p.m., Monday-Thursday; between 12:00 p.m. and 12:00 a.m., Friday and Saturday; and between 12:00 p.m. and 10:00 p.m., Sunday.

g. Event activities are permitted to occur outdoors, within enclosed tents, and in newly constructed facilities or existing structures.

h. Special events with catered food or food prepared on-site are subject to review by the food protection program of the Howard County Department of Health and may require a special events permit. The Conditional Use may not commence until the applicant has obtained approval of all necessary permits for its operation.

i. On an ALPP purchased or dedicated easement property, the following additional criteria are required:

(1) The use shall not interfere with farming operations or limit future farming production.

[[34]]33. Mobile Homes for Security Purposes

A Conditional Use may be granted in the M-1 or M-2 District for one mobile home to be used for security purposes, provided that the property contains an outdoor storage facility for equipment, supplies or products in connection with a use permitted in the M-1 or M-2 District. The petitioner shall demonstrate that there is a need for the mobile home as a security measure.

[[35]]34. Movie Theaters, Legitimate Theaters, Dinner Theaters

A Conditional Use may be granted in the M-1, M-2 or CE Districts for movie theaters, legitimate theaters and dinner theaters, provided that a determination is made by the Hearing Authority that such use will not constitute a nuisance because of sidewalk or street traffic, noise or physical activity, that such use will not adversely affect the use of adjoining properties, and that adequate off-street parking facilities are available in close proximity to the proposed use.

[[36]]35. Museums and Libraries

A Conditional Use may be granted in the RC and RR Districts, on properties that are not ALPP purchased or dedicated easement properties, and in the R-ED or R-20 Districts for museums, art galleries, and libraries, provided that a determination is made by the Hearing Authority that such

1 use will not constitute a nuisance because of sidewalk or street traffic, noise or physical activity,
2 and that such use will not tend to adversely affect the use and development of adjoining properties.

3
4 **[[37]]36. Nonprofit Clubs, Lodges, Community Halls and Camps**

5 A Conditional Use may be granted in the RC and RR Districts, on properties that are not ALPP
6 purchased or dedicated easement properties, and in the R-ED, R-20, R-12, R-SC, R-SA-8 and R-
7 H-ED Districts for nonprofit clubs, including health or athletic clubs, nonprofit educational camps,
8 and similar nonprofit organizations, provided that:

- 9 a. Buildings, parking areas and outdoor activity areas will be at least 50 feet from adjoining
10 residentially-zoned properties other than public road right-of ways.
- 11 b. At least 20% of the area within the building envelope shall not be used for buildings,
12 parking areas or driveways. The building envelope is formed by the required structure and
13 use setbacks of the Zoning Regulations for the zoning district and the Subdivision and Land
14 Development Regulations.
- 15 c. Outdoor uses will be located and designed to shield residential property from noise or
16 nuisance. The Hearing Authority may set the days and hours of operation for outdoor uses.
- 17 d. The site has frontage on and direct access to a collector or arterial road designated in the
18 General Plan.
- 19 e. In the RC and RR Districts, the minimum lot size is three acres. In the R-ED, R-20, R-12,
20 R-SC, R-SA-8, and R-H-ED Districts, the minimum lot size is one acre.

21
22 **[[38]]37. Nursing Homes and Residential Care Facilities**

23 A Conditional Use may be granted in the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-H-ED, R-
24 A-15, R-APT, R-MH, R-VH, CAC and TNC Districts for nursing homes and residential care
25 facilities, provided that:

- 26 a. The facility shall have 16 or fewer beds.
- 27 b. The minimum lot size for a new facility is one acre. An existing facility does not have to
28 comply with this criteria.
- 29 c. The design of new structures or additions to existing structures will be compatible in scale
30 and character with residential development in the vicinity, as demonstrated by architectural
31 elevations or renderings that shall be submitted with the petition.

- d. Buildings, parking areas and outdoor activity areas will be at least 50 feet from adjoining residentially-zoned properties other than public road right-of-ways.
- e. At least 20% of the area within the building envelope shall not be used for buildings, parking areas or driveways. The building envelope is formed by the required structure and use setbacks of the Zoning Regulations for the zoning district and the Subdivision and Land Development Regulations.

[[39]]38. Pet Day Care Facilities

A Conditional Use may be granted in the RC, RR or R-20 Districts for pet day care facilities, provided that:

- a. The minimum lot size shall be one acre.
- b. All day care business functions must be completely enclosed within a building. Indoor noise must not be perceptible at lot lines.
- c. The Hearing Authority may set hours of operation and limitations on the number and type of pets cared for.
- d. The facility shall not be located on a shared driveway.
- e. Parking areas shall be located and landscaped to minimize visibility from roads and adjacent residential properties.
- f. There shall be no overnight boarding of pets.
- g. Outdoor areas for walking or exercising pets may be permitted provided that pets shall not be left unattended in such an area. The Hearing Authority may set a limit on the number of pets permitted simultaneously in the outdoor area. The perimeter of this outdoor area shall be fenced and landscaped to ensure that animals are confined to the property and to minimize the visibility of the enclosure. All fencing shall comply with all requirements for fences as noted elsewhere in Section 128.0. The petitioner must clearly delineate the outdoor area on the Conditional Use plan.
- h. Disposal of wastes must be such that odors or other emissions are not perceptible at lot lines.
- i. On an ALPP purchased or dedicated easement property, the following additional criteria are required:
 - (1) The use shall not interfere with farming operations or limit future farming production.

(2) Any new building or building addition associated with the use, including any outdoor storage and parking area shall count towards the cumulative use cap of 2% of the easement.

[[40]]39. Produce Stands

A Conditional Use may be granted in the R-20 District for a produce stand, provided that:

- a. The use may not be located on a lot less than one acre nor larger than two acres.
- b. The produce stand shall be the sole use on the property.
- c. The use may include the retail sale of crops, produce, flowers, plants and seasonal displays, baked goods, dairy products and bottled/packaged food products.
- d. The site has frontage on and direct access to a minor arterial road as designated in the General Plan.

[[41]]40. Quarries—or Rock, Stone, Sand Excavations

A Conditional Use may be granted in the RC District, on properties that are not ALPP purchased or dedicated easement properties, and in the M-1 or M-2 Districts for quarries and similar excavations for sand, rock, stone and minerals, provided that:

- a. In the M-1 District, accessory processing uses such as concrete manufacture may be permitted if approved by the Hearing Authority.
- b. The approved portion of the tract shall have a peripheral buffer area 100 feet in width which shall be retained in its natural topographic condition, undisturbed by excavation or mining or other associated uses. The setback area shall not be used for any purpose except planting, fencing and roads for ingress and egress to the tract.
- c. The height of structures and any man-made landforms may be limited by the Hearing Authority.
- d. Equipment for washing, sorting, crushing, grinding, loading, unloading, spreading, weighing, screening, sizing or similar operations shall not be located within three hundred feet of a property line, except that the Hearing Authority may permit sedimentation ponds to be closer than 300 feet, but not closer than 100 feet to such property line if the applicant demonstrates the topographic necessity of such a location and that sufficient safeguards will be provided for the protection of neighboring residents and uses.

- 1 e. All operations shall be conducted in a safe manner with respect to the likelihood of hazard
2 to persons, physical or environmental damage to lands and improvements and damage to
3 any street, bridge or public right-of-way as a result of the development or operation of the
4 quarry.
- 5 f. Existing trees and ground cover along public road frontage and lot lines shall be preserved,
6 maintained and supplemented by selective cutting, transplanting, and addition of new trees,
7 shrubs and ground cover.
- 8 g. Excavated areas shall be maintained thoroughly drained, except for draining and ponding
9 areas which are used for production.
- 10 h. All driveways serving the facility shall be treated or surfaced as necessary to control dust.
- 11 i. The Hearing Authority shall limit the permit to operate such quarry to a specific expiration
12 date.
- 13 j. Operation hours shall be restricted to between 7:00 a.m. and 6:00 p.m. No blasting shall be
14 permitted between the hours of 6:00 p.m. and 7:30 a.m. No operation shall be permitted on
15 Sundays except for repairs to equipment. Only sales and deliveries may be permitted on
16 Saturdays.
- 17 k. The Conditional Use plan submitted with the Conditional Use application shall show the
18 following:
- 19 (1) Setback area, including screening and fencing.
- 20 (2) Portion of tract, if any, actually being excavated, and proposed excavation areas;
- 21 (3) Existing and proposed structures and major mechanical equipment;
- 22 (4) Existing and proposed access roads;
- 23 (5) Water supply and sewage disposal;
- 24 (6) All necessary pollution control measures;
- 25 (7) Stockpile area;
- 26 (8) Points of access to the site and provisions to control unauthorized entry to the site along
27 the entire perimeter;
- 28 (9) Survey boundaries of the subject property and proposed operation based on the
29 Maryland State Plane Coordinate System.
- 30 (10) A road condition study to determine the adequacy of the structural elements serving
31 the site for truck traffic to be generated by the quarry.

1 1. Reclamation Plan

2 A reclamation plan at a scale of 1" = 200' shall be submitted at the time of the Conditional
3 Use application setting forth a plan for reclamation of the permit area. A reclamation
4 contour plan showing contour intervals of 2 feet shall be included, indicating the general
5 grades and slopes to which excavated or filled areas are to be graded. A description of the
6 methods and materials proposed for rehabilitation of topsoil shall be specified. The
7 reclamation schedule shall include specific information relating to regrading, drainage,
8 landscaping, erosion backfilling, removal of machinery and structures, and closing of
9 access roads. No reclamation plan shall be approved unless it provides for the following
10 minimum program.

11 (1) Regrading—All disturbed land shall be regraded as required by the Maryland
12 Department of Natural Resources. Whenever the site of an excavation for a quarry is
13 greater than 50% grade, the excavated area shall be fenced with a durable galvanized
14 fence six feet high, located not less than 20 feet from the edge of excavation. The
15 County shall have the right to enter and repair or maintain such fence whenever the
16 property owner shall fail to do so. The property owner shall be liable to the County for
17 the cost of the repairs or maintenance.

18 (2) Landscaping, Erosion, Backfilling—All piles of disturbed earth or material resulting
19 from the excavating or filling operation shall be graded to a smooth contour to control
20 erosion and to prevent ponding and undrained water pockets. The graded area shall be
21 covered with suitable soil to sustain growth, then vegetatively stabilized using a
22 perennial cover species as recommended by the County Soil Conservation District.

23 (3) Removal of Machinery and Structures—All machinery and structures shall be
24 completely removed and underlying excavations filled to grade, except structures or
25 machinery that are to be continued in operation for a use permitted under the zoning
26 classification.

27 (4) Access Roads—Upon the abandonment of excavation operations on any site or portion
28 thereof in the permit areas, all access roads shall be suitably barricaded to prevent the
29 passage of vehicles either into or out of the abandoned area, except such access as
30 needed for vehicles engaged in rehabilitation work, until the plan for rehabilitation has

1 been completed and other use necessitating access has been commenced on the
2 property.

3 (5) Adequate Collateral or Bonds—Detailed engineering studies shall be provided by the
4 petitioner setting forth the estimated cost of the accepted plan for rehabilitation. Such
5 studies shall be submitted for the approval and periodic review of the Hearing
6 Authority. A bond shall be provided or adequate collateral shall be kept in escrow,
7 drawing interest to the benefit of the petitioner, to cover the estimated cost of the
8 accepted plan for rehabilitation. Such bond or money shall only be released upon
9 completion of the rehabilitation program.

10 m. No excavation or processing operations shall be commenced on land in the permit area
11 until all persons having an interest of record in said land shall cause to be recorded among
12 the land records of the County:

13 (1) A description of the area included within the permit area,

14 (2) The application number and the date the permit was granted by the Hearing Authority,

15 (3) A statement indicating that use of the land will be in accordance with an approved Site
16 Development Plan and an approved rehabilitation plan, and

17 (4) A declaration binding their heirs and assigns to utilize the land in accordance with said
18 Site Development Plan and rehabilitation plan until excavation processing or filling
19 operations cease and rehabilitation of the land is completed.

20 n. The County and the applicant shall enter into an agreement providing that, should the
21 quarry have been operated in violation of any of the provisions or conditions of the
22 Conditional Use including failure to comply with an approved rehabilitation plan, in such
23 a way as to require corrective action, the applicant shall cause the corrective action to be
24 taken. The agreement shall further stipulate that, should the applicant fail to take the
25 necessary corrective action within 30 days of written notice from the County to do so, the
26 required bonds or collateral will be forfeited and the County may cause corrective actions
27 to be commenced. In addition, the applicant shall agree to pay the cost for corrective action
28 which exceed the bond or collateral amount.

29 o. In the RC District, the minimum lot size is 25 acres.
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1 **[[42]]41. Religious Facilities, Structures and Land Used Primarily for Religious Activities**

2 A Conditional Use may be granted in the RC and RR Districts, on properties that are not ALPP
3 purchased or dedicated easement properties, and in the R-ED, R-20, R-12, R-SC, R-SA-8, R-H-
4 ED, R-A-15, R-APT, R-MH, or R-VH Districts for structures and land used primarily for religious
5 activities provided that:

- 6 a. The minimum lot size in the RC and RR Districts is three acres and the minimum lot size
7 in the other districts is one acre, however, existing religious facilities previously approved
8 as a Special Exception or a Conditional Use are exempted from this requirement. Lot
9 coverage shall not exceed 25% of the lot area.
 - 10 b. Structures may be erected to a greater height than permitted in the district in which it is
11 located, provided that the front, side and rear setbacks shall be increased one foot for each
12 foot by which such structure exceeds the height limitation.
 - 13 c. The access to the facility shall not be on a driveway or private road shared with other uses.
 - 14 d. The Hearing Authority may approve parking facilities which are accessory to a religious
15 facility, and are located on a separate lot, but do not meet the location requirements of
16 Section 133.0.B.4.d of the parking regulations by being separated from the religious facility
17 by a public street, if the Hearing Authority finds that the accessory parking facility
18 complies with the following criteria:
 - 19 (a) The accessory parking facility is not separated from the lot containing the principal use
20 by an arterial highway of any category.
 - 21 (b) A pedestrian street crossing connecting the accessory parking facility lot to the
22 principal use lot is provided and is made clearly noticeable to drivers by means of both
23 pavement marking and signs
 - 24 (c) The pedestrian street crossing is safe, based upon such factors as, but not limited to:
25 traffic volume at the times(s) of the use of the accessory parking facility; practical
26 traffic speeds; sight distance; length of the crossing; and adequate markings and
27 signage.
 - 28 (d) The entire pedestrian pathway from the accessory parking facility to the principal
29 religious facility is a durable, paved, no-step path.
- 30
31

1 **[[43]]42. Residential/Commercial Buildings**

2 a. A Conditional Use may be granted in the POR, B-1 and B-2 Districts in the planned public
3 water and sewer service area for residential/commercial buildings, provided that:

4 (1) The site is at least 5 acres but not more than 15 acres.

5 (2) Two square feet of residential space is permitted for each square foot of commercial
6 space and must be located within the same structure.

7 (3) All residential units shall be located above the first floor.

8 (4) Appropriate landscape buffering from adjacent land-uses shall be provided.

9 (5) Proposed residential/commercial buildings shall be compatible with on- and off-site
10 commercial development.

11 b. A Conditional Use may be granted in the B-1 and B-2 Districts located outside of the
12 planned public water and sewer service area for residential/commercial buildings,
13 provided that:

14 (1) The site is at least 1 acre but not more than 5 acres.

15 (2) Two square feet of residential space is permitted for each square foot of commercial
16 space and must be located within the same structure.

17 (3) All residential units shall be located above the first floor.

18 (4) Appropriate landscape buffering from adjacent land-uses shall be provided.

19 (5) Proposed residential/commercial buildings shall be compatible with on- and off-site
20 commercial development.

21
22 **[[44]]43. Retreat Center**

23 A Conditional Use may be granted in the RC and RR Districts, on properties that are not on ALPP
24 purchased or dedicated easement properties, and in the R-ED or R-20 Districts for a retreat center
25 provided that:

26 a. The minimum lot area shall be six acres.

27 b. A buffer area at least 50 feet wide shall be maintained between structures or uses and
28 adjacent residentially-zoned land other than a public road right-of-way.

29 c. Adequate landscaping or other acceptable forms of buffering shall be provided to screen
30 all parking and, if appropriate, structures and outdoor activity areas from residential
31 properties.

- d. No retail or wholesale sales of any kind shall be permitted.
- e. All parking shall be located on site.
- f. The types of principal and accessory uses and the level of activity on the site are specified including but not limited to the frequency and length of meetings or events, the maximum number of day and overnight guests, and uses of outdoor areas.
- g. The design of new structures or additions to existing structures will be compatible in scale and character with residential development in the vicinity, as demonstrated by architectural elevations or renderings submitted with the petition.
- h. The access to the facility shall not be on a driveway or private road shared with other uses.

[[45]]44. Rubble Landfill and Land Clearing Debris Landfill Facilities

A Conditional Use may be granted in the M-1 District (or in any other district with respect to land which has been previously mined or excavated pursuant to the grant of a Conditional Use specifically for quarrying or excavations for sand, rock, stone and minerals uses) for a land clearing debris landfill facility or rubble landfill facility, provided that:

- a. Only non-hazardous material shall be received for disposal on the site.
- b. The waste materials which may be accepted at the rubble fill facility, unless specifically prohibited by the Hearing Authority, are:
 - (1) Land Clearing Debris, as defined in these Regulations.
 - (2) Demolition Debris—The types of demolition debris that may be accepted for disposal are as follows:
 - a) Acceptable demolition debris associated with the razing of buildings, roads, bridges, and other structures includes structural steel, concrete, bricks (excluding refractory type), lumber, plaster and plasterboard, insulation material, cement shingles and roofing material, floor and wall tile, asphalt, pipes and wires, and other items physically attached to the structure, including appliances if they have been or will be compacted to their smallest practical volume.
 - b) Unacceptable demolition debris includes industrial waste or byproducts, any waste materials contained within the structure or on the grounds of the structure being demolished that are not physically part of the structure, or which are comprised of or contain materials that pose an undue risk to public health or the environment.

1 (3) Construction Debris—The types of construction debris that may be accepted for
2 disposal are as follows:

3 a) Acceptable construction debris is structural building materials including cement,
4 concrete, bricks (excluding refractory type), lumber, plaster and plasterboard,
5 insulation, shingles, floor, wall and ceiling tile, pipes, glass, wires, carpet,
6 wallpaper, roofing, felt, or other structural fabrics. Paper or cardboard packaging,
7 spacing, or building materials, provided that they do not exceed 10% by volume of
8 the waste, may be accepted at the rubble landfill. Paint containers, caulk containers,
9 or glaze containers, provided that they are empty, and any residual material which
10 is dried before acceptance at the rubble fill, and further provided that this waste
11 category does not exceed 1% by volume of the waste accepted at the rubble fill.

12 b) Unacceptable construction debris includes commercial, domestic, or industrial
13 wastes or by-products, paint, tar or tar containers, caulking compounds, glazing
14 compounds, paint thinner or other solvents or their containers, creosote or other
15 preservatives or their containers, tile, paneling, or carpet cement or other adhesives,
16 and other solid waste which may contain an unacceptable waste or substance as
17 may be determined by the approving authority to be unacceptable.

18 (4) Tires, asbestos waste and appliances may be accepted for disposal in accordance with
19 the requirements of the State of Maryland Department of the Environment for proper
20 disposal of these materials.

21 c. The waste materials which may be accepted at the land clearing debris fill facility are
22 restricted to land clearing debris as defined in these Regulations.

23 d. The Hearing Authority may further limit the waste materials which may be accepted at or
24 disposed of in a land clearing debris landfill facility or a rubble landfill facility upon a
25 finding of a specific adverse effect associated with the acceptance or disposal of such waste
26 materials on the proposed site. The Hearing Authority shall approve the method by which
27 unacceptable materials, which are delivered to the site, will be segregated and handled for
28 final removal and disposal.

29 e. In addition to all other required setbacks, the following use setbacks shall apply, except for
30 landfill facilities on permitted quarry sites, in which case the Hearing Authority shall
31 establish setback requirements on a case-by-case basis:

1 (1) From an existing residence on a different lot500 feet

2 (2) From adjacent residentially zoned lots300 feet

3 (3) From public street and utility rights-of-way100 feet

4 (4) From existing streams and wetlands100 feet

5 The approved portion of the tract shall have a surrounding landscaped buffer at least 100
6 feet wide which shall be retained in its existing topographic condition and undisturbed by
7 excavation or fill. The buffer area shall not be used for any purpose except planting, fencing
8 and roads for ingress and egress to the tract. In the event that the provision of a 100-foot
9 buffer is not feasible, the applicant shall provide for alternative means of buffering in
10 concert with a Site Development Plan. Within the approved portion of the tract, all land
11 within 50 feet of a stream or wetland shall be retained in its existing topographic condition
12 and undisturbed by excavation or fill.

13 f. Existing trees and ground cover along public road frontage and lot lines shall be preserved,
14 maintained and supplemented by selective cutting, transplanting, and addition of new trees,
15 shrubs and ground cover.

16 g. The height of structures and any man-made land forms may be limited by the Hearing
17 Authority.

18 h. Equipment for washing, sorting, crushing, grinding, loading, unloading, spreading,
19 weighing, screening, sizing or other operations associated with a land clearing debris
20 landfill facility or a rubble landfill facility shall not be located within one hundred feet of
21 a property line. Sedimentation ponds shall not normally be located closer than 300 feet
22 from a property line. However, the Hearing Authority may permit sedimentation ponds to
23 be closer than 300 feet, but not closer than 100 feet from a property line, if the applicant
24 demonstrates the topographic necessity of such a location and that sufficient safeguards
25 will be provided for the protection of neighboring residents and uses.

26 i. All operations shall be conducted in a safe and environmentally sound manner with respect
27 to the likelihood of hazard to persons or damage to lands, natural resources, improvements,
28 streets, bridges, or public rights-of-way as a result of the development or operation of the
29 facility.

30 j. Any area under excavation shall be maintained in a thoroughly drained condition. Fill areas
31 shall be maintained at all times by burial of material received for disposal.

- 1 k. Operation hours for excavation, processing and filling operations shall be restricted to
2 between 7:00 a.m. and 6:00 p.m. No operation shall be permitted on Sundays except
3 emergency repairs to equipment and the fill site.
- 4 l. The Conditional Use plan submitted with the Conditional Use application shall show the
5 following:
- 6 (1) Setback and buffer area, including type of screening and fencing;
 - 7 (2) Portion of tract, if any, actually being excavated, and proposed fill areas;
 - 8 (3) Portion of tract, separate from fill areas, to be used for recycling operations including
9 areas for unloading, storage, processing, and loading.
 - 10 (4) Existing and proposed structures and major mechanical equipment;
 - 11 (5) Existing and proposed access roads;
 - 12 (6) Water supply and sewage disposal including any liquid waste generated by processing
13 and filling operations;
 - 14 (7) Stockpile area;
 - 15 (8) Other uses and their extent on the property;
 - 16 (9) Existing or proposed points of access to the site and provisions to control unauthorized
17 entry to the site along the entire perimeter;
 - 18 (10) Areas to be used for rubble and/or land clearing debris disposal shall be identified
19 either as non-buildable areas or as future building sites;
 - 20 (11) Survey boundaries of the subject property and proposed operation based on the
21 Maryland State Plane Coordinate System;
 - 22 (12) A road condition study to determine the adequacy of the structural elements serving
23 the site for truck traffic to be generated by the landfill;
 - 24 (13) A noise, litter and dust control plan;
 - 25 (14) Storm water management facilities for quantity and quality control;
 - 26 (15) The length of time the facility is expected to be in operation.
- 27 m. Rehabilitation Plan
- 28 A rehabilitation plan at a scale of 1" = 200' shall be submitted with the Conditional Use
29 application for all areas to be filled with land clearing debris or rubble or used for
30 processing and recycling operations. A rehabilitation contour plan showing contour
31 intervals of two feet shall be included, indicating the general grades and slopes to which

1 excavated or filled areas are to be graded. A description of the methods and materials
2 proposed for rehabilitation to top cover shall be specified. No rehabilitation plan shall be
3 approved unless it provides for the following minimum rehabilitation program:

4 (1) Regrading—All disturbed land shall be regraded so that no slope exceeds a maximum
5 of 50% grade.

6 (2) Landscaping, Erosion, Backfilling—All piles of disturbed earth or material resulting
7 from the excavating or filling operation shall be graded to a smooth contour to control
8 erosion and to prevent ponding and undrained water pockets. The disturbed area shall
9 be graded, covered with suitable soil to sustain growth, and then vegetatively stabilized
10 using a perennial cover species as recommended by the County Soil Conservation
11 District.

12 (3) Removal of Machinery and Structures—All machinery and structures shall be
13 completely removed and underlying excavations filled to grade, except structures or
14 machinery that are to be continued in operation for a use permitted under the zoning
15 classification.

16 (4) Access Roads—Upon the abandonment of filling operations on any site or portion
17 thereof in the area covered by a Conditional Use approved under this section, all access
18 roads shall be suitably barricaded to prevent the passage of vehicles either into or out
19 of the abandoned area, except such access as needed for vehicles engaged in
20 rehabilitation work, until the plan for rehabilitation has been completed and other use
21 necessitating access has been commenced on the property.

22 23 **[[46]]45. Sawmills, Bulk Firewood Processing, Mulch Manufacture, or Soil Processing**

24 A Conditional Use may be granted in the RC or RR Districts for sawmills, bulk firewood
25 processing, mulch manufacture, or soil processing provided that:

- 26 a. Buildings and structures used for processing activities, equipment and outdoor uses
27 associated with the operation shall be at least 500 feet from existing residences on different
28 lots and at least 300 feet from property lines. Buildings or structures which are principally
29 used for storage and which are not used for processing activities shall be at least 100 feet
30 from property lines.

- b. All required State and Federal permits have been obtained. The hearing authority, as a condition of approval, may impose requirements which are more stringent than the requirements of the State and Federal permits.
- c. Parking, storage areas and equipment shall be screened from adjoining properties and public roads by landscaping or other appropriate means.
- d. Hours of operation shall be established by the Hearing Authority.
- e. Retail sales of materials produced on-site may be permitted if specifically approved by the Hearing Authority.
- f. The minimum lot size is 10 acres.
- g. The vehicular access to the use shall be from an arterial OR collector highway and not from a local road unless authorized by the Hearing Examiner.
- h. On an Agricultural Land Preservation easement property, sawmills and bulk firewood processing are permitted with the following required additional criteria:
 - (1) The use shall not interfere with farming operations or limit future farming production.
 - (2) Any new building or building addition associated with the use, including any outdoor storage and parking area shall count towards the cumulative use cap of the easement.

[[47]]46. School Buses, Commercial Service

A Conditional Use may be granted in the RC, RR, R-20 or R-12 Districts for commercial school bus service businesses, as defined in these Regulations, provided that:

- a. All vehicles parked or stored outside of a building shall be screened from adjoining properties;
- b. No vehicles shall be parked or stored within the structure or use setback requirements of the district in which they are located;
- c. Any parking spaces occupied by such vehicles shall be provided in addition to all other required parking spaces;
- d. Only minor repairs to such vehicles shall be permitted and such minor repairs may only be done in a building. In no case shall body work, engine rebuilding, engine reconditioning or collision services be permitted;
- e. The storage or parking of the number of vehicles registered as school buses on lots or parcels in the RC, RR, R-20 and R-12 Districts on the effective date of this amendment

(Zoning Board Case 715, effective July 25, 1978) shall be deemed valid nonconforming uses in those districts.

f. The minimum lot size in the RC and RR Districts for a new commercial school bus service business is three acres. The minimum lot size in the R-20 and R-12 Districts for a new commercial school bus service business is one acre. An existing commercial school bus service business is not required to comply with this criteria.

g. For a new commercial school bus service business, the area used for vehicle parking shall be at least 200 feet from an existing dwelling on a different lot. An existing commercial school bus service business is not required to comply with this criteria.

h. On an ALPP purchased or dedicated easement property, the following additional criteria are required:

(1) The use shall not interfere with farming operations or limit future farming production.

(2) The use shall operate within a one-half acre area specified on the Conditional Use plan.

(3) Any parking areas shall count towards the cumulative use cap of 2% of the easement.

[[48]]47. Schools, Colleges, Universities—Private (Academic)

A Conditional Use may be granted in the RC and RR Districts, on properties that are not ALPP purchased or dedicated easement properties, and in the R-20, R-ED, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, R-APT, R-MH, or R-VH Districts for private academic schools, colleges and universities, (not including nursery schools) provided that:

a. The maximum density permitted is 60 pupils per acre for lots less than three acres, and 100 pupils per acre for lots three acres or greater.

b. In addition to meeting the minimum area requirements above, schools with residence accommodations shall provide an additional 500 square feet of lot area per site resident. Residents shall include students, staff members, caretakers and their families who reside on the site.

c. A private school may be erected to a greater height than permitted in the respective district, provided that no structure is more than three stories in height and the front, side and rear setbacks shall be increased two feet for each foot by which such structure exceeds the height limitation.

- d. Sufficient off-street school bus loading areas shall be provided if bus service is provided for students.
- e. Outdoor uses will be located and designed to shield residential property from noise or nuisance. Play areas, athletic fields and similar uses shall be buffered from residential properties by fencing, landscaping, adequate distance or other appropriate means.
- f. Buildings, parking areas and outdoor activity areas will be at least 50 feet from adjoining residentially-zoned properties other than a public road right-of-way.
- g. At least 20% of the area within the building envelope will be green space, not used for buildings, parking area or driveways. The building envelope is formed by the required structure setbacks from property lines and public street rights-of-way.
- h. The site has frontage on and direct access to a collector or arterial road designated in the General Plan, except that expansions of a Conditional Use that was approved prior to July 12, 2001 are permitted.
- i. The minimum lot size in the RC and RR Districts for a new private academic facility is three acres. The minimum lot size in the R-20, R-ED, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, R-APT, R-MH, or R-VH Districts for a new private academic facility is one acre. An existing private academic facility is not required to comply with this criteria.

[[49]]48. Shooting Ranges—Outdoor Rifle, Pistol, Skeet and Trap

A Conditional Use may be granted in the RC District, on properties that are not ALPP purchased or dedicated easement properties for shooting ranges, provided that:

- a. Discharging of firearms shall not be permitted within 500 feet of any property line.
- b. Such range is constructed in such a manner as to eliminate all danger to persons or property from flying projectiles. The area between the firing point and target shall be baffled, fenced or otherwise shielded so that fired projectiles cannot escape the range area. Safety design should be in accordance with accepted standards and practices.
- c. A minimum lot area of 75 acres is provided for all rifle and pistol ranges. A minimum of 25 acres shall be provided for all skeet and trap shooting ranges.
- d. The manner and times of operation, the design of the range and the topographic features of the site shall be such that noise and activity from the use will not disturb neighboring residential uses.

1 e. The applicant shall demonstrate that the use complies with the requirements of the
2 Department of Inspections, Licenses and Permits for such uses.

3 f. The Hearing Authority shall set the days and hours of operation.
4

5 **[[50]]49. Small Wind Energy Systems, Building Mounted**

6 A Conditional Use may be granted in the R-ED, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, and R-
7 APT Districts for building mounted small wind energy systems as defined in these Regulations,
8 provided:

9 a. The systems shall be primarily intended to reduce the on-site consumption of utility power.

10 b. The systems are permitted only on the principal structure.

11 c. The systems shall be located on the roof or sides of a structure that are at least 25 feet in
12 height.

13 d. The systems shall comply with the principal building setbacks.

14 e. The height of the system shall not extend more than 15 feet above the ridge of the highest
15 roof section.

16 f. In the R-ED and R-SC Districts, systems are only permitted on single-family attached
17 dwellings.

18 g. In the R-12 District, systems are only permitted on semi-detached dwellings.

19 h. Only one system per lot is permitted on properties less than 3 acres in area.

20 i. Only one system is permitted per building side on properties 3 acres or greater in area.

21 j. The systems shall not exceed 60 DBA, as measured at all lot lines. The level,
22 however, may be exceeded during short-term events such as utility outages and/or severe
23 wind storms.

24 k. All systems shall be gray or a similar color that minimizes visibility.

25 l. No exterior lighting is permitted.

26 m. The systems shall comply with all applicable local, state, and federal laws and provisions.

27 n. Meteorological towers, solely for the measurement of wind, temporary or otherwise, are
28 not permitted

29 o. A system that is no longer used shall be removed from the site within one year of the date
30 that the use ceases.
31

1 **[[51]]50. Small Wind Energy Systems, Freestanding Tower**

2 A Conditional Use may be granted in the R-ED, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, and R-
3 APT Districts for building mounted small wind energy systems as defined in these Regulations,
4 provided:

- 5 a. The systems shall be primarily intended to reduce the on-site consumption of utility power.
- 6 b. Maximum height for tower mounted systems, including blades, shall not exceed 60 feet
7 from grade. However, on farms greater than 25 acres the maximum height for tower
8 mounted systems, including blades, shall not exceed 120 feet from grade.
- 9 c. The minimum lot size shall be at least 2 acres, except in the R-ED District where the
10 minimum lot size shall be 5 acres.
- 11 d. The system shall not be located within the front yard between the principal structure and
12 the front property line.
- 13 e. The minimum setback for a system shall equal its total height, plus 10% from any property
14 line.
- 15 f. The systems shall not exceed 60 DBA, as measured at all lot lines. The level, however,
16 may be exceeded during short-term events such as utility outages and/or severe wind
17 storms.
- 18 g. Temporary meteorological towers, solely for the measurement of wind, are permitted for
19 an initial period not to exceed 90 days, provided they meet the height and setback
20 requirements of this section and achieve a Temporary Use permit in accordance with
21 Section 132.0, except that there shall be no further extensions of, or new petition for, a
22 Temporary Use permit which has already been extended to the one year limit.
- 23 h. The blade of any wind turbine shall, at its lowest point, have a ground clearance of no less
24 than 15 feet, as measured at the lowest point of the arc of the blades.
- 25 i. No other equipment unrelated to the operation of the system shall be attached to the
26 structure.
- 27 j. No exterior lighting is permitted, unless required by the Federal Aviation Administration.
- 28 k. The system shall comply with all applicable local, state, and federal laws and provisions.
- 29 l. A system that is no longer used shall be removed from the site within one year of the date
30 that use ceases.

1 m. On an ALPP purchased or dedicated easement property, the following additional criteria
2 are required.

3 (1) The use shall not interfere with farming operations or limit future farming production.

4 (2) Any new building addition associated with the use, including any outdoor storage and
5 parking area shall count towards the cumulative use cap of 2% of the easement.

6
7 **[[52]]51. Solar Collector Facility, Commercial Ground-Mount**

8 A Conditional Use may be granted in the RC, RR District for a commercial ground-mount solar
9 collector facility, provided that:

10 a. The parcel on which the commercial ground-mount solar collector facility is proposed must
11 be a minimum of 10 acres in size. The maximum size of a solar facility shall be 75 acres
12 notwithstanding the size of the parcel. However, on parcels which are in the Agricultural
13 Land Preservation Program, the maximum size shall be 16 acres or 20% of the property,
14 whichever is less.

15 However, a ground-mount solar collector facility on an Agricultural Preservation Parcel
16 can be increased to a maximum of 34% of the parcel by the Hearing Authority if the
17 Hearing Authority finds that the use shall not interfere with farming operations or limit
18 future farming production. The Hearing Authority shall consider the following:

19 (1) A. At least 60% of the acreage outside of the ground-mount solar collector facility area
20 is viable for a farm operation, inclusive of farm buildings needed for the farm
21 operation; and

22 B. The remaining soils capability are more than 50% USDA Classes I—III and more
23 than 66% USDA Classes I—IV or;

24 (2) The additional acreage above the allowable 20% for the CSF is unsuitable for farming.

25 b. All structures and uses must meet a minimum 50 foot setback from all property lines.

26 c. No structure or use may be more than 20 feet in height.

27 d. A 'Type D' landscaping buffer must be provided around the perimeter of the proposed
28 commercial ground-mount solar collector facility unless the Hearing Authority determines
29 that an alternative buffer is sufficient.

30 e. All security fencing must be located between the landscaping buffer and the commercial
31 ground-mount solar collector facility.

- 1 f. The systems shall comply with all applicable local, state, and federal laws and provisions.
- 2 g. A commercial ground-mount solar collector facility that is no longer used shall be removed
- 3 from the site within 6 months of the date that the use ceases. The Property Owner shall
- 4 secure this obligation by maintaining a bond, escrow, or other form of security, in an
- 5 amount equal to the estimated future cost of removal, that is acceptable to the Director of
- 6 Finance.
- 7 h. The premises shall be maintained at all times in a clean and orderly condition, including
- 8 the care or replacement of plant materials required in the landscaping plan. The
- 9 responsibility for compliance with this provision shall be with all parties having a lease or
- 10 ownership interest in the commercial ground-mount solar collector facility. The applicant
- 11 shall provide the Hearing Authority with details regarding maintenance and access for the
- 12 site.
- 13 i. The applicant shall agree to register all solar collectors with the Department of Fire and
- 14 Rescue Services. The registration shall include a map of the solar facility noting the
- 15 location of the solar collectors and the panel disconnect.
- 16 j. Tree removal shall be minimized and reforestation shall be done in accordance with Section
- 17 16.1026 of the Howard County Code.
- 18 k. Scenic Views.
- 19 (1) The applicant shall demonstrate that the solar facility does not harm the scenic
- 20 characteristics of the view of or from:
- 21 A. A public park;
- 22 B. A national or state designated scenic byway;
- 23 C. A road listed in the Scenic Roads Inventory adopted under Section 16.1403 of the
- 24 Howard County Code; or
- 25 D. A historic structure as defined in Section 16.601 of the Howard County Code.
- 26 (2) Visual Impact Analysis Required to Demonstrate Minimal Impact to or from
- 27 Scenic Views
- 28 A. The Conditional Use petition shall include a visual impact analysis mapping all
- 29 viewshed impacts and any proposed mitigation. This analysis shall include mapped
- 30 visual impact assessments of all important or critical viewpoints or elevations from
- 31 which the solar facility can be seen from a fixed vantage point. For purposes of this

1 subsection, A viewshed is a topographically defined area including all critical
2 observation points from which the solar facility is viewed.

3 B. If the visual impact assessment as mapped particularly interferes with and
4 compromises critical observation points within the viewshed that warrant viewshed
5 protection, the petitioner shall mitigate the view through additional landscaping or
6 other forms of mitigation, including reconfiguration of the solar panels, or as may
7 be required by the Hearing Authority.

8 C. Fencing along road frontage or the perimeters of the commercial ground-mount
9 solar collector facility site where the fencing would be visible shall be constructed
10 of a material and design consistent with the character of the roadway or area.

11 D. The petition shall include a landscape plan.

12 1. The Howard County Agricultural Preservation Board shall review any Conditional Use
13 petition which proposes to build a new commercial ground-mount solar collector facility
14 on parcels which are in the Agricultural Land Preservation Program prior to approval by
15 the Hearing Authority, using a two-step review process, in the following manner:

16 (1) Prior to scheduling and convening a presubmission community meeting pursuant to
17 Howard County Zoning Regulations Section 131.0.f.1, the petitioner shall submit a
18 proposed concept plan for a commercial ground-mount solar collector facility on a
19 parcel or parcels in the Agricultural Land Preservation Program to the Howard County
20 Agricultural Preservation Board for advisory review as to whether the siting of the
21 commercial ground-mount solar collector facility on the parcel or parcels supports the
22 primary agricultural purpose of the easement property or is an ancillary business which
23 supports the economic viability of the farm.

24 A. Preliminary review: The Agricultural Preservation Board shall conduct a
25 preliminary review of a concept plan to review the placement of the proposed
26 facility and the remaining soil capability. The materials submitted for the
27 preliminary review shall include, at a minimum, a letter signed by the property
28 owner requesting the commercial ground-mount solar collector facility, a concept
29 plan depicting proposed locations for the facility and a soil classification analysis,
30 consistent with the provisions of the Agricultural Preservation Board's commercial
31 Solar Facilities Policy. The Concept Plan should show at least two potential

1 placements of the CSF on the property to allow the APB an opportunity to advise
2 on the best placement of the solar facility to minimize negative impacts on the
3 farming operation.

4 B. Final Review: The materials submitted for final review shall include, at a minimum,
5 a copy of the Agricultural Land Preservation Program easement, a copy of the
6 Howard County Soil Conservation and Water Quality Plan, and a copy of the
7 proposed final concept plan.

8 (2) The Board's advisory review shall be in writing.

9 (3) The petitioner shall make the Board's advisory review available at the presubmission
10 community meeting.

11 (4) The Department of Planning and Zoning's Technical Staff Report on the petition shall
12 include an evaluation of and a recommendation on the Board's advisory review of the
13 petition and shall include as attachments the Board's advisory review and a copy of the
14 Agricultural Preservation Easement.

15 m. Subject to Section 106 of these regulations, the property on which an approved commercial
16 ground-mount solar collector facility is located is eligible to be a sending parcel provided
17 that one density right is retained for the conditional use until the commercial ground-mount
18 solar collector facility is removed.

19 n. For ground-mount solar collector facilities on agriculture preservation parcels, the area
20 used for the ground-mount solar collectors must also be used for pollinator or native grass
21 habitats, grazing for livestock such as sheep, crop production under or directly adjacent to
22 the installation such as edible landscape barriers or tree crops, or other agricultural or
23 ecologically enhancing alternative that the applicant proposes and the hearing authority
24 finds to be harmonious with the purposes of the Agricultural Land Preservation Program.

25 o. Regulations for Solar Collector Facility, Commercial Ground-Mount

26 A solar collector or combination of solar collectors shall be designed and located to avoid
27 glare or reflection onto adjacent properties and adjacent roadways and shall not interfere
28 with traffic or create a safety hazard. The petitioner or applicant shall provide to the
29 Department of Planning and Zoning a glare study or other certification or assurance
30 acceptable to the Department that the solar collectors are designed, manufactured, and will
31 be installed:

- A. To eliminate glare;
- B. To ensure that glare will not be reflected onto nearby buildings or roadways; or
- C. With anti-reflective coatings or light-trapping technologies.

[[53]]52. Spa, Country

A Conditional Use may be granted in the RC and RR Districts, on properties that are not ALPP purchased or dedicated easement properties, for a country spa provided that:

- a. The facility shall principally have the purpose of providing health and wellness services to individuals and groups. Documentation shall establish that the proposed facility generally is "...devoted to overall well-being through a variety of professional services that encourage the renewal of mind, body and spirit."
- b. The minimum lot area shall be 20 acres.
- c. A buffer area at least 50 feet wide shall be maintained between structures or uses and adjacent residentially-zoned land other than a public road right-of-way.
- d. Adequate landscaping or other acceptable forms of buffering shall be provided to screen all parking and, if appropriate, structures and outdoor activity areas from residential properties.
- e. All parking shall be located on site.
- f. The types of principal and accessory uses and the level of activity on the site are specified including, but not limited to, the maximum number of day and overnight guests, and uses of outdoor areas.
- g. The design of new structures or additions to existing structures will be compatible in character with the rural character in the vicinity, as demonstrated by architectural elevations or renderings submitted with the petition.
- h. The access to the facility shall not be on a driveway or private road shared with other off-site residential uses.

~~[[54. 53. Two-family Dwellings~~ [[and Accessory Apartments]]

~~[[A Conditional Use may be granted for two-family dwellings or accessory apartments in the following districts, provided that any new structures or additions will be designed to be compatible in scale and character with the surrounding residential neighborhood. Compatibility of character~~

1 may be in architectural style, materials or details. Compatibility shall be demonstrated by
2 architectural elevations or renderings submitted with the petition.

3 a. Two-family dwellings: in the RC and RR Districts, on properties that are not ALPP
4 purchased or dedicated easement properties, and in the R-ED, R-20 or R-12 Districts,
5 provided that the two-family dwelling is on an individual lot, with only one two-family
6 dwelling permitted on one lot, and the lot is an existing recorded lot at the time of the
7 Conditional Use application. The minimum lot size shall be at least 16,000 square-feet for
8 two-family dwelling structures in the R-ED and R-12 Districts.

9 b. ~~[[Accessory apartments: on lots of less than 12,000 square feet in the R-ED, R-20, R-12~~
10 ~~and R-SC Districts. (On lots of 12,000 square feet or larger, this is a permitted use in these~~
11 ~~districts).]]~~
12

13 ~~[[55]]~~**53. 54.Used Merchandise, Retail Sale by Non-Profit Organizations**

14 A Conditional Use may be granted in the M-1 and M-2 Districts for the collection, repair,
15 refurbishment, retail sale and distribution of used and/or donated merchandise, provided that:

- 16 a. The facility shall be operated by a non-profit, tax exempt organization;
17 b. Sales shall be limited to previously-used and/or donated clothing, furniture, household
18 furnishings, small appliances, books or similar items;
19 c. Outdoor drop-off and collection areas shall be screened from surrounding properties and
20 roads by landscaping or other appropriate means; and
21 d. All sales and storage areas shall be located inside a building.

22
23 ~~[[56]]~~**54.55. Utility Uses, Public**

24 A Conditional Use may be granted in the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-H-ED, R-
25 A-15, R-APT, R-MH, R-SI, I, R-VH, HO, HC, POR, CCT, B-1, B-2, SC, BR, PEC, PGCC, CE,
26 TOD, CAC and TNC Districts for the following public utility uses, subject to certain conditions:

- 27 a. Permitted Uses:
28 (1) Utility substations.
29 (2) Above ground pipelines.
30 (3) Pumping stations and compression stations.
31 (4) Telecommunication equipment facilities.

1 b. Special Conditions:

2 (1) The proposed location, design and method of operation will not have a detrimental
3 effect on the privacy and quiet of the neighborhood and the safety of its inhabitants.

4 (2) The design of proposed buildings and the landscaping treatment of the site will be in
5 harmony with the area.

6 (3) The Hearing Authority may prescribe appropriate conditions and safeguards to
7 minimize adverse effects on the character of the surrounding area, including
8 requirements for soundproofing, for the construction of fences, barriers or other safety
9 devices, for surfacing of access driveways, for shielding of lighting, and/or for
10 landscaping or screening.

11 (4) When approving a public utility use, in its discretion, the Hearing Authority may
12 authorize future changes not requiring further Hearing Authority approval. Such
13 changes shall be limited to the addition, relocation, or modification of foundations or
14 equipment, or additions to existing buildings, within a fence line approved by the
15 Hearing Authority.

16 (5) When approving a public utility use, the Hearing Authority may approve an accessory
17 commercial communications tower to serve that use.

18 c. For a new public utility use, the use would be located on property which is not an ALPP
19 purchased or dedicated easement property. An existing public utility is not required to comply
20 with this criteria.

21
22 [[57]]~~55~~. **56. Farm Alcohol Producer**

23 A Conditional Use may be granted for a Farm Alcohol Producer in the RC and RR Districts,
24 provided that it complies with the following criteria:

25 a. The use is located on a parcel of at least 25 acres. The use is permitted on any such parcel,
26 including parcels with Agricultural Land Preservation Easements and preservation parcels.

27 b. The lot or parcel upon which the Farm Alcohol Producer is located shall have frontage
28 on and direct access to a road classified as an arterial or collector public road. Unless the
29 Hearing Authority approves access to a local road as provided in Section 131.0.N.56.b, the
30 sole access to and from the site shall be from the arterial or collector public road.

- 1 c. The Hearing Authority may approve access to a local road upon findings that access to an
2 arterial or collector public road right-of-way is not feasible, the local road is not internal to
3 a residential cluster subdivision unless the residential cluster subdivision was originally
4 designed, constructed, and marketed as a Farm Alcohol Producer community organized
5 around a Farm Alcohol Producer parcel, the access to the local road is safe based on road
6 conditions and accident history, and that the use of the local road for access to the Farm
7 Alcohol Producer will not unduly conflict with other uses that access the local road.
- 8 d. The driveway providing access to the proposed site provides adequate site distance and has
9 the capacity to accommodate expected traffic. The driveway access to the site shall not be
10 shared with other properties; however the Hearing Authority may waive this criteria if the
11 petitioner provides a use-in-common easement signed by the owners of all properties that
12 have a legal right to share the driveway confirming they do not object to the use of the
13 driveway for the use. The easement shall (i) State that the agreement runs with the land and
14 binds all future owners and (ii) Be recorded in the land records of Howard County. If the
15 site has direct access to and frontage on a local road, the petitioner shall demonstrate that
16 the use will not adversely impact use of the local road by demonstrating adequate site
17 distance and capacity to manage the anticipated volume of road use.
- 18 e. All Farm Alcohol Producer related structures and uses excluding cultivation areas shall
19 be at least 75 feet from a public road right-of-way and 150 feet from all other lot lines. The
20 Hearing Authority may reduce the setback of 150 feet from the lot lines, but only to a
21 minimum of 75 feet, if:
- 22 (1) The adjoining land is committed to an agricultural or environmental preservation
23 easement or a long term institutional or open space use that provides an equivalent or
24 better buffer; or
- 25 (2) The petition includes detailed plans for screening. The Hearing Authority may require
26 appropriate screening of adjoining parcels, which may include a solid fence, wall,
27 landscaping, or a combination, that presents an attractive and effective buffer.
- 28 f. Planting of at least two acres of grapes, an ingredient used in the brewing of malt-based
29 or grain-based beverages, or other fruit on the property shall be initiated upon approval
30 and successfully established within two years of approval.

- 1 g. The Farm Alcohol Producer shall be consistent with and support the farm and its
2 production, shall not interfere with the implementation of soil conservation and water
3 quality best management practices, and shall not impact floodplains, wetlands, stream
4 buffers, steep slopes or other environmental features on the Farm Alcohol Producer
5 property.
- 6 h. The Farm Alcohol Producer shall be compatible with the rural character of the farm and
7 the surrounding area.
- 8 i. The Farm Alcohol Producer visitor hours shall be restricted to between 10:00 a.m. and
9 10:00 p.m. daily. The Hearing Authority may reduce the hours for visitors, but shall not
10 increase them. The hours for farm alcohol beverage processing and production operations
11 are not limited.
- 12 j. The Farm Alcohol Producer shall be limited to two categories of attendee events; Everyday
13 Events and Special Events, each with specific limitations as follows:
- 14 (1) An Everyday Event is one that may occur each day of operation within a calendar year,
15 or as may be further limited by the Hearing Authority, and the number of attendees at
16 any single time shall be as specified by the Hearing Authority, but only up to a
17 maximum of 150 persons at any given time. The most common type of activity in an
18 everyday event is that of customers visiting a tasting room at the Farm Alcohol
19 Producer to sample or purchase the products produced therein, but may include other
20 low-intensity activities such as individual or small group tours, educational programs,
21 meetings, and social events; and
- 22 (2) A Special Event is an indoor and/or outdoor event that may be approved by the Hearing
23 Authority for up to fifteen (15) days within a calendar year. The maximum number of
24 attendees at any given time on a 25 acre farm shall be 150 persons, provided, however,
25 that the Hearing Authority may increase this maximum number of attendees in
26 accordance with Section 131.0. [[57.k]]³² if the property qualifies for such an increase.
27 For a Special Event that occurs on more than one calendar day, each calendar day is
28 counted as one event.
- 29 k. The standard maximum number of persons permitted to visit the property at any one time
30 for Special Events shall be 150 attendees. The Hearing Authority may increase the
31 maximum number of Special Event attendees by 10 people for every acre of land area

1 above the minimum 25 acre parcel size, based upon the gross acreage of the parcel, up to
2 a total maximum of 500 attendees.

3 If the Farm Alcohol Producer is located on a farm which is comprised of more than one
4 parcel under the same ownership (the "Overall Farm"), the Hearing Authority may base
5 this potential attendee increase on the gross acreage of the Overall Farm as long as there
6 is a condition to decrease the number of attendees if for any reason the land area of the
7 Overall Farm is reduced after the initial Conditional Use approval.

- 8 l. A Farm Alcohol Producer may produce, serve and sell food to complement tastings in
9 accordance with Article 2B of Maryland State Code.
- 10 m. Any accessory retail sales within the Farm Alcohol Producer, other than the beverages
11 produced at the Farm Alcohol Producer, are limited to items promoting the same Farm
12 Alcohol Producer, such as glassware, clothing, and wine-related items such as wine
13 openers. A Farm Alcohol Producer may sell plants and/or produce grown on-site.
- 14 n. If approved, the owner shall provide documentation to the Department of Planning and
15 Zoning proving compliance with Section 131.0.N.57.f. It is the responsibility of the Farm
16 Alcohol Producer owner to obtain any other required Federal, State and County approvals
17 required prior to operating the use.
- 18 o. Amplified noise is only allowed between the hours of 12:00 pm (noon) and 8:00 pm. For
19 amplified noise, the property owner must keep a noise log of recorded decibels to
20 show compliance with County's noise ordinance. Decibels must be recorded at the
21 property line and taken at least 3 separate times including the beginning, middle,
22 and end of amplified music event. The log must be furnished upon the request of
23 the Department of Planning and Zoning.

24
25 **[[58]]56. 57. Wrecked Vehicle Storage (Temporary)**

26 A Conditional Use may be granted in the M-1 or M-2 Districts for the temporary storage of
27 wrecked vehicles, provided that:

- 28 a. Title to the vehicle does not transfer to the operators and owners of the site;
- 29 b. All such vehicles shall be screened from off-site view by walls (including building walls)
30 or fences six to eight feet high, of a design approved by the Hearing Authority. At the

Hearing Authority's discretion, landscape planting may be required between the wall and the property line.

- c. The storage area shall be treated as needed to control dust and minimize the runoff of oils and greases;
- d. Dismantling of wrecked vehicles shall not be permitted.

[[59]]57. 58. Yard Waste Composting Facility

A Conditional Use may be granted in the RC, RR, or M-1 Districts for a yard waste composting facility, provided that:

- a. Only yard waste (leaves, grass, brush, yard trimmings) and natural wood waste (tree and other vegetative refuse including tree stumps, limbs and root mats) shall be received for composting on the site.
- b. All required State and Federal permits have been obtained. The hearing Authority, as a condition of approval, may impose requirements which are more stringent than the requirements of the State and Federal permits.
- c. In addition to the Bulk Regulations of the applicable zoning district, the following structure and use setbacks shall apply:
 - (1) From an existing residence on a different lot500 feet
 - (2) From adjacent residentially-zoned lots300 feet
 - (3) From public street rights-of-way100 feet
 - (4) From existing streams and wetlands100 feet
- d. A landscaped buffer area with a minimum width of 100 feet shall be maintained around the perimeter of the site. The landscaped buffer shall be used only for planting, fencing, and driveways for ingress and egress to the site.
- e. The operation shall not result in odors which are detectable on surrounding properties.
- f. The operation shall be conducted in a safe and environmentally sound manner, as prescribed by law or regulations and with respect to the likelihood of hazard to persons or damage to lands, natural resources, streets, bridges, and public rights-of-way.
- g. The operation shall be conducted in a manner which will prevent insect and/or rodent infestation.

- 1 h. The facility shall be maintained in a clean and sanitary condition. Areas where yard waste
2 or compost is processed, loaded, or unloaded shall be designed and constructed to drain
3 freely to prevent the accumulation of standing liquid.
- 4 i. All liquid, including leachate and storm water runoff, generated from the composting
5 facility shall be collected and treated prior to disposal, in accordance with applicable
6 regulations.
- 7 j. In the RC and RR Districts, the hours of operation shall be restricted to between 7:00 a.m.
8 and 6:00 p.m., and no operation shall be permitted on Sundays except repairs to equipment
9 and improvements.
- 10 k. On-site retail sales of finished compost shall be permitted if specifically approved by the
11 Hearing Authority.
- 12 l. The structural elements of the roads serving the site shall be adequate for the truck traffic
13 to be generated by the composting facility. The petition shall include a road condition study
14 to allow the hearing authority to make this determination.
- 15 m. The Conditional Use Plan submitted with the petition shall show the following:
- 16 (1) Survey boundaries of the subject property.
- 17 (2) Existing natural features including streams, ponds, springs, and wetlands.
- 18 (3) Existing and proposed topography.
- 19 (4) Setback and buffer area, including type of screening and fencing.
- 20 (5) Portion of tract to be used for composting operations, including the location and layout
21 of:
- 22 (a) Yard waste unloading, receiving and storage areas;
- 23 (b) Yard waste processing areas, including areas for grinding, screening, mixing and
24 other operations to prepare yard waste for composting;
- 25 (c) Composting areas;
- 26 (d) Compost curing areas;
- 27 (e) Compost final product preparation areas (screening and other operations); and
- 28 (f) Finished compost storage and loading areas.
- 29 (6) Existing and proposed structures and major mechanical equipment.
- 30 (7) Existing and proposed access driveways.
- 31 (8) Water supply (including quantity requirements) and sewage disposal.

1 (9) Storm water management facilities for quantity and quality control.

2 (10) Facilities for storage and treatment of leachate and any other liquids generated by the
3 operation.

4 (11) Other existing or proposed *uses on the site*.

5 n. An Operations Plan shall be submitted by the applicant to enable the Hearing Authority to
6 evaluate the potential impacts of the proposed use. If the petition is approved, substantial
7 changes to the operations plan shall not be implemented without prior approval of the
8 Hearing Authority. The plan shall provide the following information:

9 (1) Types, anticipated quantities and sources of yard waste.

10 (2) Methods by which unacceptable wastes delivered to the facility will be identified,
11 segregated, and handled for removal and disposal.

12 (3) Off-site location where unacceptable wastes delivered to the composting facility will
13 be disposed of.

14 (4) Methods by which waste quantities delivered will be determined including weighing
15 facilities to be provided.

16 (5) A description of major items of equipment and associated capacities.

17 (6) A description of proposed buildings and pads for storage, composting and processing.

18 (7) A description of yard waste delivery methods and requirements.

19 (8) A description of incoming yard waste handling and processing methods including
20 processing capacity and storage volume to be provided.

21 (9) A description of the composting process to be utilized including composting capacity
22 to be provided, composting technology, required composting time, and assurance of
23 acceptable level of pathogen reduction.

24 (10) A description of compost curing, handling and processing methods including
25 processing capacity and storage volume to be provided.

26 (11) A description of finished compost storage, distribution and delivery methods and
27 requirements.

28 (12) Methods of controlling odors, dust, litter, noise, and insect or rodent infestation;
29 methods of insuring public safety; methods of preventing and, if necessary, controlling
30 fires; and methods of collecting and treating liquids generated by the use.

(13) Procedures for cleaning and maintaining the appearance of the facility, including collection of litter and waste which falls from transport vehicles in the vicinity of the site, including adjacent private properties and public roads.

o. A Rehabilitation Plan shall be submitted at the time of the Conditional Use Application for approval by the Hearing Authority. The plan shall provide for the following minimum rehabilitation program:

(1) All structures and machinery shall be completely removed and underlying excavations filled to grade and planted in grass except structures or machinery that are to be continued in operation for a use permitted under the zoning classification.

(2) All impervious surfaces shall be removed and properly disposed of. The areas from which the surfaces are removed shall be backfilled with suitable soil and regraded as necessary to provide adequate drainage. All such areas shall be planted in grass which shall be maintained through one year's growth.

(3) All yard waste, composting material, and finished compost shall be removed from the site and shall be disposed of in conformance with applicable laws or regulations.

(4) All access roads shall be suitably barricaded to prevent the passage of vehicles either into or out of the abandoned area, except such access as needed for vehicles used in rehabilitation work, until the plan for rehabilitation has been completed and a different use necessitating access has commenced on the property.

Howard County Zoning Regulations.

Section 133. Off-Street Parking and Loading Facilities.

Section 133.0.D Minimum Parking Requirements for Specific Uses

In the following text, "sf" refers to gross square feet of floor area unless net floor area is approved by the Department of Planning and Zoning. "DPZ" refers to the Department of Planning and Zoning. The parking for multiple uses shall be calculated cumulatively unless otherwise noted or unless approved in accordance with Section 133.0.F.

1. Accessory Uses to Residences

The following parking requirements for accessory uses shall be provided in addition to the required parking for the principal residence:

a. [[Accessory apartment]] ACCESSORY DWELLING UNIT	1.0 per [[apartment]] ACCESSORY DWELLING UNIT
b. Home-based contractors	1.0 space per nonresident employee working on the premises at the time of peak usage, plus 1.0 space for each visitor potentially present at the time of peak usage.
c. Housing by a resident of one to eight persons who are physically or mentally disabled or 62 years or age or older	One or two persons (other than family members): no spaces; 3 to 5 persons (other than family members): 1.0 space; 6 to 8 persons (other than family members) 2.0 spaces

1
2

3 ***Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland,***
4 ***that this Act shall become effective 61 days after its enactment.***

Amendment No. 1 to Council Bill No. 3-2026

BY: The Chairperson at the request
of the County Executive

Legislative Day No. 2
Date: February 2, 2026

(This Amendment defines the term "short term rental" and provides that accessory dwelling units shall not be used as short term rentals.)

On page 1, after line 9, insert:

"c. To define short term rental.".

On page 7, after line 15, insert:

"S

SHORT TERM RENTAL: A DWELLING, OR PORTION THEREOF, FOR LODGING PURPOSES FOR A PERIOD
OF LESS THAN 30 CONSECUTIVE DAYS, IN EXCHANGE FOR COMPENSATION. AS USED HEREIN, THE
TERM "DWELLING," OR ANY COMBINATION THEREOF, SHALL NOT BE DEEMED TO INCLUDE A HOTEL,
MOTEL, CLUBHOUSE, HOSPITAL OR OTHER ACCOMMODATIONS USED FOR TRANSIENT OCCUPANCY.
SHORT-TERM RENTALS MAY INCLUDE PROPERTIES ADVERTISED OR RENTED THROUGH ONLINE
PLATFORMS SUCH AS AIRBNB, VRBO, OR SIMILAR SERVICES.".

On page 42, in line 11, after "UNIT." insert "ACCESSORY DWELLING UNITS SHALL NOT BE USED
AS SHORT TERM RENTALS.".

I certify that this is a true copy of

Am 1 to CB3-2026
passed on Feb 2, 2026
Nichelle Howard
Council Administrator

Amendment No. 2 to Council Bill No. 3-2026

**BY: The Chairperson at the request
of the County Executive**

**Legislative Day No. 2
Date: February 2, 2026**

(This amendment:

- 1. Removes two-family dwellings as use permitted by right in the RC, RR, R-ED, R-20 and R-12 Zoning Districts, reverting language back to current regulations;*
- 2. Removes references to two-family dwellings in Section 128.0.A.13 and the definition of Accessory Dwelling Unit;*
- 3. Clarifies that accessory dwelling units, in addition to owner-occupancy, shall be on a property where the owner resides and are prohibited on lots developed with two-family dwellings; and*
- 4. Renumbers sections accordingly.)*

1 In the title, in the second line, strike beginning with “to allow” down through and including
2 “conditions;” in the third line.

3

4 On page 5, in line 7, after “ATTACHED”, strike the comma and substitute “AND”.

5

6 On page 5, in line 8, strike “AND TWO-FAMILY”.

7

8 On page 8, strike line 22.

9

10 On page 12, strike line 12.

11

12 On page 19, in line 25, strike both sets of brackets and after the first “dwellings” strike “,
13 accessory apartments”.

14

15 On page 21, strike line 9.

Am CB3 two family dwellings

I certify that this a true copy of

Am 2 to CB 3-2026
passed on Feb 2, 2026

1

Michelle Hession
Council Administrator

1
2 On page 23, strike line 11.

3
4 On page 24, strike line 18.

5
6 On page 27, strike line 18.

7
8 On page 29, in line 10, strike beginning with “EXCEPT” down through and including “Ft.” in
9 line 11.

10
11 On page 42, in line 9, after “occupied dwelling” insert “OR ON A PROPERTY WHERE THE OWNER
12 RESIDES”.

13
14 On page 42, in line 17, after “ATTACHED”, strike the comma and substitute “AND” and strike
15 “AND TWO-FAMILY”.

16
17 On page 42, in line 28, after “ATTACHED”, strike the comma and substitute “AND”.

18
19 On page 42, in line 29, strike “AND TWO-FAMILY”.

20
21 On page 42, in line 30, after “ATTACHED”, strike the comma and substitute “AND”.

22
23 On page 42, in line 31, strike “AND TWO-FAMILY”.

24
25 On page 43, in line 1, after “ATTACHED”, strike the comma and substitute “AND”.

26
27 On page 43, in line 2, strike “AND TWO-FAMILY”.

1 On page 43, in line 12, after “ATTACHED”, strike the comma and substitute “AND” and, in the
2 same line, strike “AND TWO-FAMILY”.

3
4 On page 43, in line 23, insert the following:

5 “H. ACCESSORY DWELLING UNITS ARE PROHIBITED ON LOTS DEVELOPED WITH TWO-
6 FAMILY DWELLING UNITS.”.

7
8 On page 44, in the Conditional Use Chart following line 11, in the second row:

- 9 • In the column titled “Conditional Use”, before “Two-”, strike “[[” and after “Dwellings”
10 insert “[[”;
- 11 • In the column titled “RC”, strike “[[”; and
- 12 • In the column titled “R-SC”, strike “[[”.

13
14 On page 85, in line 4, strike the “[[54.” and substitute “53.” and insert “[[” before “and”.

15
16 On page 85, in line 5, strike the “[[” before “A” and strike “or accessory apartments”.

17
18 On page 85, in line 16, strike “b.”.

19
20 On page 85, in line 20, strike “53.” and substitute “54.”.

21
22 On page 85, in line 30, strike “54.” and substitute “55.”.

23
24 On page 86, in line 30, strike “55.” and substitute “56.”.

25
26 On page 90, in line 4, strike “56.” and substitute “57.”.

27
28 On page 90, in line 16, strike “57.” and substitute “58.”.

Amendment 3 to Council Bill No. 3 - 2026

BY: David Yungmann

Legislative Day 2

Date: February 2, 2026

Amendment No. 3

(This Amendment removes the proposed ~~minimum~~ lot coverage exemption for Accessory Dwelling Units (ADUs) and adds new proposed maximum lot coverage standards for all detached accessory structures, including ADUs, in Section 128.0.A of the Zoning Regulations)

On page 41, in lines 12-13 after “structures” insert: “, INCLUDING ACCESSORY DWELLING UNITS,”.

On page 41, strike lines 15-19 in their entirety and substitute the following:

“(A) ~~600~~ 800 SQUARE FEET FOR A LOT WHICH IS LESS THAN OR EQUAL TO ONE-HALF ACRE.

(B) ~~800~~ 1,000 SQUARE FEET FOR A LOT THAT IS GREATER THAN ONE-HALF ACRE AND LESS THAN OR EQUAL TO ONE ACRE.

(C) ~~1,200~~ 1,500 SQUARE FEET FOR A LOT WHICH IS GREATER THAN ONE ACRE AND LESS THAN OR EQUAL TO TWO ACRES.

(D) ~~2,200~~ 2,500 SQUARE FEET FOR A LOT WHICH IS GREATER THAN TWO ACRES BUT LESS THAN OR EQUAL TO 15 ACRES.

(E) 5,000 SQUARE FEET FOR A LOT THAT IS GREATER THAN 15 ACRES.”.

On page 41, in lines 24-25, strike both occurrences of “ACCESSORY DWELLING UNITS”.

I certify that this a true copy of

Am 3 CB3-2026

passed on Feb 2, 2026

Nichelle Hassan

Council Administrator

Amendment 1 to Amendment 3 to Council Bill No. 3 - 2026

BY: David Yungmann

Legislative Day 2

Date: February 2, 2026

Amendment 1 to Amendment 3

(This Amendment corrects language in the parenthetical and modifies the proposed maximum lot coverage standards.)

- 1 In line 1 of the parenthetical, after “*proposed*”, strike “*minimum*”.
- 2
- 3 On page 1, in line 4, strike “600” and substitute “800”.
- 4
- 5 On page 1, in line 5, strike “800” and substitute “1,000”.
- 6
- 7 On page 1, in line 7, strike “1,200” and substitute “1,500”.
- 8
- 9 On page 1, in line 9, strike “2,200” and substitute “2,500”.
- 10
- 11

I certify that this a true copy of

Am 1 Am 3 CB3-2026
passed on Feb 2, 2026
Nichole P. Reed
Council Administrator

Amendment No. 4 to Council Bill No. 3-2026

BY: The Chairperson at the request
of the County Executive

Legislative Day No. 2
Date: February 2, 2026

(This Amendment changes Section 128.0.A to add a lot coverage maximum for ADUs in the planned service area and exempts lot coverage specifically for properties zoned RC and RR.)

1 On page 41, in line 15, after "area." insert "EXCEPT AN ACCESSORY DWELLING UNIT MAY HAVE
2 A MAXIMUM LOT COVERAGE OF 1,000 SQUARE FEET IN ADDITION TO THE 600 SQUARE FOOT
3 REQUIREMENT FOR ALL OTHER DETACHED ACCESSORY STRUCTURES PERMITTED ON THE
4 RESIDENTIAL LOT.".

5
6 On page 41, in line 24, after "UNITS" insert "IN THE RC OR RR ZONING DISTRICT".

7
8 On page 41, in line 25, after "UNITS" insert "IN THE RC OR RR ZONING DISTRICT".

9
10 On page 43, in line 9, after "LIMITATION" insert ", MAX LOT COVERAGE".

11
12 On page 43, in line 18, after "DISTRICT" insert "AND THE MAXIMUM LOT COVERAGE PROVIDED
13 IN SECTION 128.0.A.12".

I certify that this is a true copy of

Am 4 CB3-2026
passed on Feb 2, 2026

Failed

Nichelle Harrod
Council Administrator

Amendment No. 5 to Council Bill No. 3-2026

BY: The Chairperson at the request
of the County Executive

Legislative Day No. 2
Date: February 2, 2026

(This Amendment makes the following technical corrections:

- 1. It corrects Section 128.0.A.13.a to strike a reference to apartment that should have been dwelling unit; and*
- 2. It corrects a cross reference in Section 131.0.N.26 (historic building uses) from Section 128.0.D.4 to 128.0.D.6.)*

1 On page 42, in line 9, strike “apartment” and substitute “DWELLING UNIT”.

2

3 On page 50, in line 26, strike “128.0.D.4” and substitute “128.0.D.6”.

4

I certify that this a true copy of

Am 5 CB3-2026

passed on Feb 2, 2026

Nicholas DeBerry

Council Administrator

Amendment 6 to Council Bill No. 3 - 2026

BY: Deb Jung

Legislative Day 2
Date: February 2, 2026

Amendment No. 6

(This Amendment adds language that would allow only one detached or attached ADU per lot developed with single family detached dwellings, and only one attached ADU per lot developed with single family attached or semi-attached dwellings.)

- 1 On page 42, in line 15 after “ONE”, insert “DETACHED OR ATTACHED”.
- 2
- 3 On page 42, strike from the comma after “DETACHED” in line 16 through the entirety of line 17,
- 4 and insert the following:
- 5 “DWELLING UNIT. ONLY ONE ATTACHED ACCESSORY DWELLING UNIT IS PERMITTED PER LOT,
- 6 TRACT, OR PARCEL THAT IS DEVELOPED WITH A SINGLE-FAMILY ATTACHED OR SEMI-ATTACHED
- 7 DWELLING UNIT.”.
- 8
- 9 On page 42, strike beginning with the first comma after “DETACHED” in line 28 through the
- 10 comma after “DWELLING UNITS” in line 31 and substitute “DWELLING UNIT”.
- 11

I certify that this a true copy of

Amle To CB3-2026
passed on Feb 2, 2026
Michelle Doherty
Council Administrator

Amendment 7 to Council Bill No. 3 - 2026

BY: David Yungmann

Legislative Day 2
Date: February 2, 2026

Amendment No. 7

(This Amendment adds language allowing detached Accessory Dwelling Units (ADUs) to be constructed on the front yard, only if a lot is less than 10 acres and if the ADU is developed within an existing detached structure.)

1 On page 43, strike lines 16-22 in their entirety and substitute the following:

2 “G. ACCESSORY DWELLING UNITS SHALL COMPLY WITH ALL SETBACKS REQUIRED IN THE
3 UNDERLYING ZONING DISTRICT. ON A PARCEL LESS THAN 10 ACRES, A DETACHED
4 ACCESSORY DWELLING UNIT MAY ONLY BE CONSTRUCTED IN FRONT OF A PRINCIPAL
5 DWELLING IF IT IS WITHIN A DETACHED STRUCTURE THAT EXISTED BEFORE MARCH 31,
6 2026.”.

7

8

I certify that this a true copy of

Am 7 CB3-2026
passed on Feb 2 2026
[Signature]
Council Administrator

Amendment 8 to Council Bill No. 3 - 2026

BY: David Yungmann

Legislative Day 2

Date: February 2, 2026

Amendment No. 8

(This Amendment would require the owner of a property developed with an Accessory Dwelling Unit (ADU) to have a valid rental housing license to rent out their ADU.)

1 On page 43, in line 23, insert the following:

2 “H. AN OWNER WHO RENTS OR LEASES AN ACCESSORY DWELLING UNIT (ADU) SHALL
3 COMPLY WITH ALL RENTAL HOUSING PROVISIONS ARTICULATED IN SUBTITLE 9 OF TITLE 14
4 OF THE HOWARD COUNTY CODE.”.

I certify that this a true copy of

Am 8 CB3-2026
passed on Feb 2, 2026

Michelle D. Reed

Council Administrator

Amendment 9 to Council Bill No. 3 - 2026

BY: David Yungmann

**Legislative Day 2
Date: February 2, 2026**

Amendment No. 9

(This Amendment would require any property owner developing an Accessory Dwelling Unit (ADU) to demonstrate that stormwater runoff will be mitigated to not impact neighboring properties.)

1 On page 43, in line 23, insert the following:

2 "H. ANY PROPERTY OWNER DEVELOPING AN ACCESSORY DWELLING UNIT MUST SUBMIT
3 PLANS TO THE DEPARTMENT OF PLANNING AND ZONING THAT DEMONSTRATES THAT ALL
4 STORMWATER WILL BE MITIGATED WITH NO IMPACT ON NEIGHBORING PROPERTIES."

5 On page 43, in line 9, after the period, insert the following:

6 "THE PLOT PLAN SHALL DEMONSTRATE ADEQUATE WATER CONVEYANCE SO AS NOT TO IMPACT
7 NEIGHBORING PROPERTIES OR THE EXISTING SUBDIVISION'S STORMWATER MANAGEMENT
8 FACILITIES."

9

10

I certify that this a true copy of
Am 9 CB3-2026
passed on Feb 2 2026
Nishley Jazzy
Council Administrator

Amendment 1 to Amendment 9 to Council Bill No. 3 - 2026

BY: David Yungmann

Legislative Day 2

Date: February 2, 2026

Amendment 1 to Amendment 9

(This Amendment revises the proposed language regarding stormwater mitigation for Accessory Dwelling Units (ADUs).)

1 On page 1, strike lines 1-4 in their entirety and substitute the following:

2 “On page 43, in line 9, after the period, insert the following:

3 “THE PLOT PLAN SHALL DEMONSTRATE ADEQUATE WATER CONVEYANCE SO AS NOT TO IMPACT
4 NEIGHBORING PROPERTIES OR THE EXISTING SUBDIVISION’S STORMWATER MANAGEMENT
5 FACILITIES.” ”.

6

7

8

I certify that this a true copy of
Am1 Am9 CB3-2026
passed on Feb 2 2026
Nichelle Harry
Council Administrator

Amendment 10 to Council Bill No. 3 - 2026

BY: David Yungmann

Legislative Day 2
Date: February 2, 2026

Amendment No. 10

(This Amendment increases the number of required off-street parking spaces per Accessory Dwelling Unit (ADU) from one space to three spaces and adds language to allow an exception to this requirement.)

1 On page 94, in Row 1, Column 2 of the parking requirements table immediately following line
2 10, strike "1.0" and substitute "3.0". In the same row & column, add an asterisk "*" after
3 "UNIT".

4
5 On page 94, in line 11, immediately following the table, insert the following:

6 "*IF THE APPLICANT CAN DEMONSTRATE THAT ADEQUATE OFF-STREET PARKING EXISTS IN FRONT
7 OF THE SUBJECT PARCEL ALONG THE FRONTAGE OF THEIR LOT, AND WILL NOT BE DISRUPTIVE TO
8 MAIL DELIVERY, GARBAGE COLLECTION, EMERGENCY VEHICLES OR OTHER ESSENTIAL SERVICES,
9 DPZ MAY REDUCE THE OFF-STREET REQUIREMENT BY THE NUMBER OF ON-STREET SPACES
10 DEMONSTRATED. A MINIMUM OF ONE OFF-STREET SPACE IS REQUIRED REGARDLESS OF THE
11 AVAILABILITY OF ON-STREET PARKING."

I certify that this is a true copy of
Am 10 CB3-2026
passed on Feb 2, 2026
Nichelle Oberst
Council Administrator
Not moved




Howard County

Internal Memorandum

Subject: *Testimony for Council Bill XX-2025: Accessory Dwelling Unit Zoning Regulation Amendment 218*

To: *Brandee Ganz, County Administrative Officer*

From: *Lynda Eisenberg, AICP, Director*  ^{DS} For

Date: *December 18, 2025*

The Department of Planning and Zoning (DPZ) supports Council Bill XX-2025. The proposed zoning regulation amendment aims to implement State Law (HB-1466) regarding Accessory Dwelling Units and to align the regulations with the broader goals of Howard County's General Plan, HoCo By Design, and the County's Housing Opportunities Master Plan.

Key recommendations of the bill are:

- Rename Accessory Apartment to Accessory Dwelling Unit (ADU)
- Update or add definitions pertaining to ADUs
- Add an ADU as a permitted accessory use in all zoning districts that permit single-family detached, attached, semi-detached (duplex) or two-family dwellings
- Allow an ADU to be within, attached, or detached from the principal dwelling
- Allow only one ADU per lot with a maximum size of 75% of the principal dwelling
- Remove the minimum lot size requirement for an ADU
- Exempt an ADU from lot coverage requirements
- Retain the owner-occupied requirement. The owner must reside in the ADU or principal dwelling
- Retain a maximum of 2 bedrooms in an ADU
- Apply accessory use side and rear setbacks to detached ADUs
- Remove two-family dwellings as a conditional use and allow by right in the RC, RR, R-ED, R-20, and R-12 zoning districts. R-ED and R-12 districts require 16,000 SF minimum lot size
- Remove accessory apartments and temporary accessory family dwellings from the zoning regulations.

This Zoning Regulation Amendment originated from the adoption of HB-1466, effective October 1, 2025, to adopt local laws authorizing the development of ADUs on land with a single-family detached dwelling. HB-1466 requires each legislative body to adopt local law authorizing the development of ADUs before October 1, 2026. DPZ has used this opportunity to incorporate ADU policies from HoCo By Design and The Housing Opportunities Master Plan into the proposed legislation. DPZ has met with the Howard County Housing Affordability Coalition and the Howard County Citizens Association to discuss the regulation changes. On October 16, 2025, ZRA-218 was presented to the Howard County Planning Board for its recommendations who voted in favor, 4-0, with the following recommendations:

1. To keep the owner-occupied requirement so that the owner must reside in either the ADU or principal structure.
2. To request accompanying legislation that mandates the advertising of properties for sale must explicitly and accurately align with the permitted uses of the underlying zoning district. This is intended to increase market transparency and protect prospective buyers from misleading advertisements.

The council-filed version of the ZRA includes the first Planning Board recommendation and reinstates a maximum of 2 bedrooms in the ADU, as currently required by code, based on community feedback.

There are no fiscal impacts associated with adoption of this Council Bill. Given the reasons stated above, DPZ supports Council Bill XX-2025 and appreciates Council's consideration.

cc: Jennifer Sager, Legislative Coordinator, Department of Administration
Angela Cabellon, Chief of Staff
Brian Shepter, Deputy Chief of Staff
Gary W. Kuc, County Solicitor, Office of Law

DEPARTMENT OF PLANNING AND ZONING, * BEFORE THE
PETITIONER * PLANNING BOARD OF
ZRA-218 * HOWARD COUNTY, MARYLAND

* * * * *

MOTION: Recommend approval of ZRA-218.

ACTION: *Approved with Amendments; Vote 4-0.*

* * * * *

RECOMMENDATION

On October 16, 2025, the Planning Board of Howard County, Maryland, considered the petition of the Department of Planning and Zoning (DPZ), the Petitioner, for several amendments throughout the Zoning Code to implement the State Law (HB-1466) regarding Accessory Dwelling Units and align them with the broader goals of Howard County's General Plan, HoCo By Design, and the County's Housing Opportunities Master Plan. DPZ's Petition included:

- Rename the Accessory Apartments to Accessory Dwelling Unit definition under Section 103.0.
- Add a definition of Accessory Dwelling Unit under Section 103.0.
- Amend the definitions of Density, Dwelling Unit and Kitchen under Section 103.0.
- Remove definitions and mentions of Dwelling, Accessory Apartment and Dwelling, Temporary Accessory Family.
- Amend the Accessory Dwelling Unit accessory uses in the R-ED, R-20, R-12, R-SC, R-SA-8 & PGCC districts to remove the requirements for a minimum lot size, maximum number of bedrooms and external design requirements.
- Amend the Uses Permitted as a Matter of Right in the RC, RR, R-ED, R-20, and R-12 districts to permit one two-family dwelling unit per lot. Impose a 16,000 square foot minimum lot size requirement for two-family dwellings in the R-ED and R-12 districts.
- Remove two-family dwellings, accessory apartments and multi-plex dwellings as a conditional use within County Preservation Easements.
- Add an Accessory Dwelling Unit as a permitted Accessory Use in the R-H-ED, R-A-15, R-APT, R-MH, HO, HC, TOD, CAC, and TNC districts.
- Exempt an Accessory Dwelling Unit from the accessory structure lot coverage requirements for lots developed with a single-family detached dwelling.
- Amend the restrictions for detached accessory structures on lots developed with a single-family

detached dwelling.

- Amend the supplemental zoning regulations for an Accessory Dwelling Unit.
- Remove the lot size restriction for an Accessory Dwelling Unit in Traditional Residential Neighborhoods.
- Remove the Conditional Use for Dwelling, Temporary Accessory Family; and Two-Family Dwellings and Accessory Apartments.

The Planning Board considered the petition and the Department of Planning and Zoning's (DPZ) Technical Staff Report (TSR).

Testimony

Mr. Justin Tyler, DPZ staff member, presented the proposed Zoning Regulation Amendment (ZRA) on behalf of the Department of Planning and Zoning. He stated that the purpose of the ZRA is to implement the State Law (HB-1466) regarding Accessory Dwelling Units (ADU) and align them with the broader goals of Howard County's General Plan, HoCo By Design, and the County's Housing Opportunities Master Plan. Mr. Tyler went through each text amendment and explained what the current regulations allow, what is proposed, what code sections are impacted (as summarized above), as well as the ZRA criteria.

Following DPZ's presentation of the proposed amendment, Mr. Kevin McAliley, Planning Board Chair, asked the Planning Board if they had questions for DPZ. Ms. Barbara Mosier, Planning Board member, asked if ADU's would be exempt from the Adequate Public Facilities Ordinance (APFO). Ms. Lynda Eisenberg, AICP, Planning Board Executive Secretary and Planning Director, responded that the current regulations exclude Accessory Apartments from APFO calculations, so ADU's would also be subject to the same exemption. Ms. Mosier also asked what the ADU process would be like for properties within the NT district. Ms. Eisenberg explained that an applicant would still need to apply for a permit issued by DPZ to operate an ADU on the Property and that the regulations outlined in the appropriate FDP would govern the Regulations, such as setbacks and lot coverage requirements.

Mr. James Connelly testified in support of the ZRA stating that the ZRA would be a helpful tool to increase housing stock, housing types and housing affordability.

Mr. Brent Loveless testified in opposition to the ZRA and had concerns with APFO allocations. He urged Planning Board members to rescind the ZRA and only put forward the legislation from HB1466 and to exclude any additional regulation implementations the County suggested.

Ms. Karen Mosel testified in support of the ZRA stating that the ZRA would assist in creating more housing stock within the County, assist with housing affordability and give more residents a chance to age in place.

1 Mr. James Hagan testified in opposition to the ZRA indicating concerns with removing the Conditional
2 Use for Two-family dwellings. He stated that the Conditional Use process allowed residents to give input on
3 these proposed uses. He also had reservations with properties that are on well and septic, and how these uses
4 would be compatible with existing systems.

5 Mr. Nirmal Kedia testified in opposition to the ZRA stating that the 75% size limit would have an
6 impact on the character of the neighborhoods and that the Conditional Use process helped maintain the
7 characteristics and allowed for resident input.

8 Ms. Jessamine Duvall testified on behalf of the Housing Affordability Coalition in support of the ZRA
9 stating that the ZRA will help expand housing options and promote home ownership.

10 Ms. Jessamine Duvall, Executive Director of the Columbia Housing Center, testified in support of the
11 ZRA stating that the ZRA will help create missing middle housing and would assist in housing affordability.

12 Ms. Elizabeth Murphy testified in opposition to the ZRA claiming that more guardrails are needed to
13 protect communities. She indicated that there should be a maximum number of people who can reside in an
14 ADU.

15 Mr. Dana Sohr, representative from the Bridges to Housing Affordability, testified virtually in support
16 of the ZRA stating that the ZRA would expand housing affordability and would meet the local needs for more
17 housing opportunities. In addition, he stated that it would allow for housing for family members and creates the
18 opportunity for multi-generational homes.

19 Ms. Cindy LaFollette testified in opposition to the ZRA stating that ADU's should be subject to APFO
20 calculations. She also indicated concerns with the removal of the Conditional Use for Two-family dwellings
21 stating that it would not allow residents the chance to voice their concerns about a proposed use.

22 Ms. Susan Garber testified virtually in opposition to the ZRA and had concerns with the lack of
23 guardrails in place to protect communities. She also had concerns with why the ZRA provided more changes
24 than what HB-1466 offered.

25 Mr. Joel Hurewitz testified virtually in opposition to the ZRA stating the need for clearer regulations
26 for the NT district and better clarification on how ADU's would be applied to NT zoned neighborhoods.

27
28 Board Discussion and Recommendation
29

30 Planning Board member Mr. James Cecil asked DPZ staff about the ADU process and how the review
31 process would be set up. Ms. Eisenberg explained that ADU's would follow a process similar to the currently
32 ongoing Accessory Apartments review process. Mr. Cecil also inquired about the enforcement process and how
33 it is handled when it comes to the maximum number of people with a dwelling. Ms. Eisenberg explained that
34 it would be, and is difficult, for DPZ code enforcement inspectors to determine who resides in the residence or

not. She further stated that Howard County does not allow short-term rentals and that there are mechanisms in place to assist in enforcing this maximum limitation.

Planning Board member Mr. Mason Godsey asked if staff could clarify how the size of ADU's would be calculated. Mr. Tyler explained that the 75% size limit for ADU's would be based on the lot coverage of the principal dwelling on the Property. Mr. Cecil asked about height limitations and how they apply to ADU's. Mr. Tyler stated that each zoning district has height limitations that can vary by roof type and if it was a principal or accessory detached structure. Mr. Kevin McAliley inquired on the owner occupancy requirement and why it was removed. Ms. Eisenberg stated it was removed to allow for more flexibility and to remove barriers for constructing ADU's. Mr. McAliley also asked about the difference of a Two-Family dwelling and an ADU. Ms. Eisenberg explained that a Two-Family dwelling was entirely on one lot and resembled one larger dwelling but was split in the middle and further stated that they had the ability to add one additional ADU.

The Planning Board discussed the repeated testimony about the concern with removing the owner occupancy requirement. Mr. Cecil discussed adding restrictions for real estate listings so that they only advertise for conforming uses. Mr. Cecil also indicated concern again with the removal of the owner's occupancy requirement. Ms. Eisenberg reminded him that the County prohibits short-term rentals and can be used as a guardrail to prevent transient stay situations within ADU's. Mr. Godsey stated that there was a benefit to the owner occupancy requirement and maintaining it would limit the risks involved with non-owner occupied ADU's. Ms. Mosier stated that she was fine with keeping the owner-occupied requirement also indicating that the prohibition of short-term rentals would act as a guardrail. Mr. McAliley inquired about the required parking for ADU's. Ms. Eisenberg stated that a parking study would be needed if they were to adopt additional parking requirements. Mr. Cecil stated that he was concerned about affordability of housing if investors took advantage of the ZRA. Ms. Mosier inquired about the statistics involved with owner-occupied versus non-owner occupied within other jurisdictions. Ms. Eisenberg stated that she was not sure of any but indicated that Montgomery County does not permit ADU's to be on non-owner-occupied lots. The Planning Board was in agreement that the owner occupancy requirement should stand and will act as a guardrail for ADU's. The Planning Board was also in agreement with the other proposed text changes.

Mr. Cecil motioned to recommend approval of ZRA-218 with amendments. Mr. Mason seconded the motion. The motion passed 4-0.

The amendments are:

1. To keep the owner-occupied requirement so that the owner must reside in either the ADU or principal structure.
2. To request accompanying legislation that mandates the advertising of properties for sale must explicitly and accurately align with the permitted uses of the underlying zoning district. This is intended to increase market transparency and protect prospective buyers from misleading

advertisements.

For the foregoing reasons, the Planning Board of Howard County, Maryland, on this 19th day of November 2025, recommends that ZRA-218, as described above, be APPROVED WITH AMENDMENTS.

HOWARD COUNTY PLANNING BOARD

Signed by:

Kevin McAiley

C2C86F5D2434478...

Kevin McAiley, Chair

Signed by:

James Cecil

7DA4123B4D2D404...

James Cecil, Vice-chair

DocuSigned by:

Mason Godsey

B79ABA28B31447E...

Mason Godsey

Signed by:

Barbara Mosier

B65ABB04E9F949F...

Barbara Mosier

Lynn Moore (Absent)

ATTEST:

DocuSigned by:

Lynda Eisenberg

4220B635863042E...

Lynda Eisenberg, AICP, Executive Secretary



Howard County Maryland
Department of Planning and Zoning
3430 Courthouse Drive, Ellicott City, MD 21043

(410) 313-2350
www.howardcountymd.gov

DPZ Office Use only:

Case No: ZRA 218

Date Filed: 9/4/2025

Zoning Regulation Amendment Petition

Petition Request

Description of Proposed Amendment:

To revise existing zoning regulations for accessory dwelling units (ADU's) and align them with the broader goals of Howard County's General Plan, HoCo By Design, and the County's Housing Opportunities Master Plan and the State's recently passed ADU law (HB-1466).

Petitioner's Representative Information

Petitioner's Representative Name: David Moore

Address: 3450 Court House Drive, Ellicott City, MD 21043

Phone: 410-313-2100

Email: dmoore@howardcountymd.gov

Profession: Attorney

Petitioner Information

Petitioner Name: Lynda Eisenberg

Petitioners Business Name/Trading As: Howard County Government

Address: 3430 Court House Drive, Ellicott City, MD, 21043

Phone: 410-313-2350

Email: leisenberg@howardcountymd.gov

Petitioner's Interest in Subject Property: Other

If the petitioner is not the property owner, please explain: Petition submitted on behalf of Howard County Government

Zoning Regulation Amendment Information

Please provide a brief statement concerning the reason(s) the requested amendment(s) to the Zoning Regulations is (are) being proposed:

To revise existing zoning regulations for accessory dwelling units (ADU's) and align them with the broader goals of Howard County's General Plan, HoCo By Design, and the County's Housing Opportunities Master Plan and the state's recently passed ADU law.

The Legislative Intent of the Zoning Regulations in Section 100.0.A. expresses that the Zoning Regulations have the purpose of "...preserving and promoting the health, safety and welfare of the community." Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with this purpose and the other issues in Section 100.0.A.

The proposed ZRA is in harmony with preserving and promoting the health, safety and welfare of the County as described in Section 100.A. Specifically, this proposed ZRA is described in enumerated intent number 5 – *To provide for adequate housing choices in suitable living environment within the economic reach of all citizens.*

Provide the address, Tax Map, and Parcel Number for any parcel(s) of land known to be affected by the amendment(s) that the Petitioner owns or has a legal or equitable interest in.

The amendment would impact more than 12 properties. The amendment has a general impact on lots and parcels that permit and are developed with a single-family detached, single-family attached or single-family semi-detached dwelling units.

Zoning Regulation Amendment Criteria

Describe the compatibility, including potential adverse impacts and consequences, of the proposed zoning regulation amendment with the existing and potential land uses of the surrounding areas and within the same zoning district.

This ZRA would generally have an impact on all lots and parcels that permit and are developed with a single-family detached, single-family attached or single-family semi-detached dwelling unit because the proposal would be amending the accessory uses to permit accessory dwelling units. The proposed ZRA is expanding opportunities for more diverse and affordable housing options across all neighborhoods. The proposed ZRA would allow property owners to build different types of ADU's, like detached cottages, garage apartments or in-law suites.

Provide an overview of the properties to which the zoning regulation amendment could apply and, if feasible, a map of the impacted properties.

The proposed amendment will impact all zones in the County that permit and are developed with a single-family detached, single-family attached or single-family semi-detached dwelling unit. The purpose of the amendment is to revise the existing zoning regulations for accessory apartments to align with the broader goals of accessory dwelling units as described in the General Plan, *HoCo By Design*, the County's Housing Opportunities Master Plan and the State's recently passed law (HB-1466). The zoning districts impacted by this zoning district are RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, R-APT, R-MH, R-VH, HO, PGCC, HC, TOD, CAC and TNC.

Describe any conflicts that would occur in the Howard County Zoning Regulations as a result of the zoning regulation amendment.

If approved, this amendment would not create any conflicts in the Howard County Zoning Regulations. The ZRA provides a comprehensive review of the Zoning Regulations to allow accessory dwelling units as a permitted accessory use in all zoning districts that permit and are developed with a single-family detached, single-family attached or single-family semi-detached dwelling unit.

Describe the compatibility of the proposed zoning regulation amendment with the policies and objectives, specifically including the environmental policies and objectives, of the Howard County General Plan.

The General Plan's Dynamic Neighborhood Chapter is supportive of providing attainable and diverse housing options. It emphasizes creating more diverse housing options through the County, increasing housing affordability, and ensuring there are housing options for older adults, disabled populations, and those with special needs. Below is a list of the Dynamic Neighborhood Policy Statements and Implementing Actions that support the proposed ZRA amendment.

DN-2 Policy Statement – Allow attached and detached accessory dwelling units on a variety of single-family attached and single-family detached lots that meet specific site development criteria in residential zoning districts.

- Implementing Action #1 – *Explore a clear, predictable process and location-specific criteria for ADUs, including, but not limited to, consideration of lot coverage, lot size, setbacks, and other bulk regulations; stormwater management; and parking.*
- Implementing Action #2 – *Consider revising the Zoning Regulations and Subdivision and Land Development Regulations to allow attached and detached ADUs that meet pre-determined location and site criteria. Provide parking requirements as needed.*
- Implementing Action #3 – *Establish a clear definition of ADUs in the updated Zoning Regulations.*

DN-9 Policy Statement – Create opportunities to increase the diversity of home choices in the Rural West, especially missing middle housing types, that preserve the character of the Rural West.

- Implementing Action #1 – *Consider the development of accessory dwelling units that conform to specific design and site criteria.*
- Implementing Action #6 – *Evaluate and identify barriers to on-site tenant housing for the agricultural workforce.*

DN-12 Policy Statement – Provide a range of affordable, accessible, and adaptable housing options for older adults and persons with disabilities.

- Implementing Action #1 – *Use zoning tools and incentives that increase the supply of missing middle housing and accessory dwelling units, as identified in Policy Statements DN-1 & DN-2.*


If the zoning regulation text amendment would impact eight (8) parcels of land or less, please provide the following:

- (i) A list of those impacted parcels;
- (ii) The address of each impacted parcel;
- (iii) The ownership of each impacted parcel; and
- (iv) The contact information for the owner, if an individual, or resident agent or owner, if a corporate entity, of each impacted parcel.

The proposed ZRA impacts more than 8 parcels therefore this criterion does not apply.

Signatures

The undersigned hereby affirms that all of the statements and information contained in, or filed with this petition, are true and correct.

Petitioner's Signature  Date 9/4/2025

DocuSigned by:
Lynda Eisenberg
DE9E18E4B5B1444...

If the Property Owner is not the Petitioner, you must submit a signed [Property Owners Authorization](#).
Process information and submittal requirements can be found on the [ProjectDox website](#).

Digitally Signed by: Julia Sauer
Signature Date: 2025-9-2 12:43:47

CONTACT US

Department of Planning and Zoning
Public Service and Zoning Division
3430 Court House Drive, Ellicott City, MD 21043
TEL: 410.313.235

Petitioner's Proposed Text

(CAPITALS indicate text to be added; text in [[brackets]] indicates text to be deleted.)

Legislative Text Changes

Howard County Zoning Regulations

SECTION 103.0: Definitions

Accessory DWELLING UNIT: ~~[[Apartment; See "Dwelling, Accessory Apartment".]]~~ A SECOND DWELLING UNIT SUBORDINATE TO THE PRINCIPAL DWELLING, LOCATED ON A LOT DEVELOPED WITH A SINGLE-FAMILY DETACHED, SINGLE-FAMILY ATTACHED, AND SINGLE-FAMILY SEMI-DETACHED AND TWO-FAMILY DWELLING UNITS WHICH COMPLIES WITH THE REQUIREMENTS FOR SUCH USES WITHIN SECTION 128.0.A

Density: The number of principal dwelling units per unit of land area. Accessory dwelling units such as farm tenant houses, caretaker dwellings and ~~[[accessory apartments]]~~ ACCESSORY DWELLING UNITS are not included when calculating density.

Dwelling Unit: A single unit providing complete ~~[[independent]]~~ living facilities for AT LEAST one ~~[[or more persons]]~~ INDIVIDUAL, including, AT A MINIMUM, ~~[[permanent]]~~ provisions for SANITATION, COOKING, EATING, AND SLEEPING~~[[living, sleeping, eating, cooking limited to one kitchen, and sanitation]]~~.

~~[[Dwelling, Accessory Apartment~~: A second dwelling unit located within a single-family detached dwelling which complies with the requirements for such uses within Section 128.0.A.

(See also the definition of Dwelling, Two-family)]]

[[Dwelling, Temporary Accessory Family: A Conditional Use category for a second dwelling unit on a lot which is used for the housing of an elderly or disabled family member of the resident of the principal dwelling unit and which complies with the requirements of Section 131.0.N. A temporary accessory family dwelling shall either be a removable modular building designed for this purpose or an alteration of an existing accessory building. A temporary accessory family dwelling shall not be a newly constructed building.]]

Dwelling, Two-family: A building which contains two dwelling units, of which neither is an accessory ~~[[apartment]]~~ DWELLING UNIT, and which is arranged, designed or used for occupancy by two families. The dwelling units in a two-family dwelling are not separated by an attached garage or by an open or enclosed breezeway.

~~[[([See also the definition of Dwelling, Accessory Apartment.)]]]~~

Kitchen: Any room designed to principally be used for cooking and food preparation purposes. A room which includes a [[sink and a]] range or oven, [[or utility connections suitable for the operation of a range or oven,]] shall be considered as the establishment of a kitchen.

Section 104.0: RC (Rural Conservation) District

B. Uses Permitted as a Matter of Right

14. ONE TWO-FAMILY DWELLING UNIT PER LOT

C. Accessory Uses

3. [[Accessory apartments]] ACCESSORY DWELLING UNIT subject to the requirements of Section 128.0.A.

Section 105.0: RR (Rural Residential) District

B. Uses Permitted as a Matter of Right

13. ONE TWO-FAMILY DWELLING UNIT PER LOT

C. Accessory Uses

3. [[Accessory apartments]] ACCESSORY DWELLING UNIT, subject to the requirements of Section 128.0.A.

Section 106.1: County Preservation Easements Section

C. Accessory Uses

1.c. [[Accessory apartments]] ACCESSORY DWELLING UNIT, subject to the requirements of Section 128.0.A.

2.d. [[Accessory apartments]] ACCESSORY DWELLING UNIT, subject to the requirements of Section 128.0.A.

D. Conditional Uses

[[2.a.(20). Two family dwellings, accessory apartments and multi-plex dwellings]]

Section 107.0: R-ED (Residential: Environmental Development) District

B. Uses Permitted as a Matter of Right

15. ONE TWO-FAMILY DWELLING UNIT PER LOT

C. Accessory Uses

2. [[Accessory apartments]] ACCESSORY DWELLING UNIT, subject to the requirements of Section 128.0.A. [[, provided that:

- a. The area of the lot is at least 12,000 square feet;
- b. Except for an exterior entrance and necessary parking area, there shall be no external evidence of the accessory apartment; and,
- c. The accessory apartment shall have no more than two bedrooms.]]

D. Bulk Regulations

2. Minimum lot size requirements

D. TWO-FAMILY DWELLINGS.....16,000 SQ. FT.

Section 108.0: R-20 (Residential: Single) District

B. Uses Permitted as a Matter of Right

13. ONE TWO-FAMILY DWELLING UNIT PER LOT

C. Accessory Uses

2. [[Accessory apartments]] ACCESSORY DWELLING UNIT, subject to the requirements of Section 128.0.A.[[, provided that:

- a.The area of the lot is at least 12,000 square feet;
- b.Except for an exterior entrance and necessary parking area, there shall be no external evidence of the accessory apartment; and,
- c.The accessory apartment shall have no more than two bedrooms.]]

Section 109.0: R-12 (Residential: Single) District

B. Uses Permitted as a Matter of Right

15. ONE TWO-FAMILY DWELLING UNIT PER LOT

C. Accessory Uses

2. [[Accessory apartments]] ACCESSORY DWELLING UNIT, subject to the requirements of Section 128.0.A.[[, provided that:

- a.The area of the lot is at least 12,000 square feet;
- b.Except for an exterior entrance and necessary parking area, there shall be no external evidence of the accessory apartment; and,
- c.The accessory apartment shall have no more than two bedrooms.]]

D. Bulk Regulations

2. Minimum lot size (except as provided in Section 109.0.F of these Regulations for mandatory open space)12,000 sq. ft. EXCEPT THAT TWO-FAMILY DWELING UNITS REQUIRE A MINIMUM LOT SIZE OF.....16,000 SQ. FT.

Section 110.0: R-SC (Residential: Single Cluster) District

C. Accessory Uses

2. [[Accessory apartments]] ACCESSORY DWELLING UNIT, subject to the requirements of Section

128.0.A.[, provided that:]

[[a.The area of the lot is at least 12,000 square feet;]]

[[b.Except for an exterior entrance and necessary parking area, there shall be no external evidence of the accessory apartment; and,]]

[[c.The accessory apartment shall have no more than two bedrooms.]]

Section 111.0: R-SA-8 (Residential: Single Attached) District

C. Accessory Uses

2. [[Accessory apartments]] ACCESSORY DWELLING UNIT, subject to the requirements of Section

128.0.A.[, provided that:

a.The area of the lot is at least 12,000 square feet;

b.Except for an exterior entrance and necessary parking area, there shall be no external evidence of the accessory apartment; and,

c.The accessory apartment shall have no more than two bedrooms.]]

Section 111.1: R-H-ED (Residential: Historic-Environmental) District

C. Accessory Uses

2. ACCESSORY DWELLING UNIT, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.A.

[[2]] 3. Farm tenant houses, caretakers' cottages and similar uses customarily accessory to

agricultural and residential estate uses, provided that these uses shall not be permitted on parcels of less than 50 acres, and further provided that one unit shall be allowed for each 50 acres of that parcel.

[[3]] 4. The housing by a resident family of:

a. Not more than four non-transient roomers or boarders; or

b. Not more than eight mentally and/or physically disabled persons or persons 62 years of age or older, provided the use is registered, licensed or certified by the State of Maryland; or

c. A combination of a and b above, provided that the total number of persons housed in addition to the resident family does not exceed eight.

[[4]]5. Home occupations, subject to the requirements of Section 128.0.C.

[[5]]6. Home care, provided that if home care is combined with housing of mentally or physically disabled persons or persons 62 years of age or older, as allowed by Subsection 4.b above, the total number of persons receiving home care at any one time plus the number of persons being housed shall not exceed eight.

[[6]]7. Parking:

a. Off-street parking of no more than two commercial vehicles on lots of three or more acres and no more than one commercial vehicle on lots of less than three acres. Private off-street parking is restricted to vehicles used in connection with or in relation to a principal use permitted as a matter of right in the district.

b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or destroyed motor vehicles shall not be permitted, except as provided by Section 128.0.D.

[[7]]8. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet or smaller, such storage shall be limited to the following:

a. One recreational vehicle with a length of 30 feet or less; and

b. One boat with a length of 20 feet or less.

[[8]]9. Snowball stands, subject to the requirements of Section 128.0.D.

[[9]]10. Small Wind Energy System, building mounted, on single-family detached dwellings and non-residential structures only, subject to the requirements of Section 128.0.L.

[[10]]11. Accessory ground-mount solar collectors.

Section 112.0: R-A-15 (Residential: Apartments) District

C. Accessory Uses

2. ACCESSORY DWELLING UNIT, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.A.

[[2]] 3. Farm tenant houses, caretakers' cottages and similar uses customarily accessory to agricultural and residential estate uses, provided that these uses shall not be permitted on parcels of less than 50 acres, and further provided that one unit shall be allowed for each 50 acres of that parcel.

[[3]] 4. The housing by a resident family of:

a. Not more than four non-transient roomers or boarders; or

b. Not more than eight mentally and/or physically disabled persons or persons 62 years of age or older, provided the use is registered, licensed or certified by the State of Maryland; or

c. A combination of a and b above, provided that the total number of persons housed in addition to the resident family does not exceed eight.

[[4]]5. Home occupations, subject to the requirements of Section 128.0.C.

[[5]]6. Home care, provided that if home care is combined with housing of mentally or physically disabled persons or persons 62 years of age or older, as allowed by Subsection 4.b above, the total number of persons receiving home care at any one time plus the number of persons being housed shall not exceed eight.

[[6]]7. Parking:

- a. Off-street parking of no more than two commercial vehicles on lots of three or more acres and no more than one commercial vehicle on lots of less than three acres. Private off-street parking is restricted to vehicles used in connection with or in relation to a principal use permitted as a matter of right in the district.
- b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or destroyed motor vehicles shall not be permitted, except as provided by Section 128.0.D.

[[7]]8. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet or smaller, such storage shall be limited to the following:

- a. One recreational vehicle with a length of 30 feet or less; and
- b. One boat with a length of 20 feet or less.

[[8]]9. Snowball stands, subject to the requirements of Section 128.0.D.

[[9]]10. Small Wind Energy System, building mounted, on single-family detached dwellings and non-residential structures only, subject to the requirements of Section 128.0.L.

[[10]]11. Accessory ground-mount solar collectors.

Section 112.1: R-APT (Residential: Apartments) District

C. Accessory Uses

2. ACCESSORY DWELLING UNIT, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.A.

[[2]] 3. Farm tenant houses, caretakers' cottages and similar uses customarily accessory to agricultural and residential estate uses, provided that these uses shall not be permitted on parcels of less than 50 acres, and further provided that one unit shall be allowed for each 50 acres of that parcel.

[[3]] 4. The housing by a resident family of:

- a. Not more than four non-transient roomers or boarders; or
- b. Not more than eight mentally and/or physically disabled persons or persons 62 years of age or older, provided the use is registered, licensed or certified by the State of Maryland; or
- c. A combination of a and b above, provided that the total number of persons housed in addition to the resident family does not exceed eight.

[[4]]5. Home occupations, subject to the requirements of Section 128.0.C.

[[5]]6. Home care, provided that if home care is combined with housing of mentally or physically disabled persons or persons 62 years of age or older, as allowed by Subsection 4.b above, the total number of persons receiving home care at any one time plus the number of persons being housed shall not exceed eight.

[[6]]7. Parking:

- a. Off-street parking of no more than two commercial vehicles on lots of three or more acres and no more than one commercial vehicle on lots of less than three acres. Private off-street parking is restricted to vehicles used in connection with or in relation to a principal use permitted as a matter of right in the district.
- b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or destroyed motor vehicles shall not be permitted, except as provided by Section 128.0.D.

[[7]]8. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet or smaller, such storage shall be limited to the following:

- a. One recreational vehicle with a length of 30 feet or less; and
- b. One boat with a length of 20 feet or less.

[[8]]9. Snowball stands, subject to the requirements of Section 128.0.D.

[[9]]10. Small Wind Energy System, building mounted, on single-family detached dwellings and non-residential structures only, subject to the requirements of Section 128.0.L.

[[10]]11. Accessory ground-mount solar collectors.

Section 113.1: R-MH (Residential: Mobile Home) District

C. Accessory Uses

2. ACCESSORY DWELLING UNIT, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.A.

[[2]]3. The housing of not more than four non-transient roomers or boarders by a resident family.

[[3]]4. Home occupations, subject to the requirements of Section 128.0.C.

[[4]]5. Home care.

[[5]]6. Parking:

- a. Off-street parking of no more than two commercial vehicles on lots of three or more acres and no more than one commercial vehicle on lots of less than three acres. Private off-street parking is restricted to vehicles used in connection with or in relation to a principal use permitted as a matter of right in the district.
- b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or destroyed motor vehicles shall not be permitted, except as provided by Section 128.0.D.

[[6]]7. Management office and maintenance facilities in mobile home parks.

[[7]]8. Central common laundry facilities in mobile home parks.

[[8]]9. Convenience establishments of a commercial nature, not including Motor Vehicle Fueling Facility but including stores, day care centers, coin-operated laundries and dry cleaners, beauty and barber shops, may be permitted in mobile home parks, provided that such establishments and the parking areas primarily related to their operations:

- a. May occupy up to 5% of the area of the park, but in any case, not more than two and one-half acres,
- b. Shall be subordinate to the residential use and character of the park,
- c. Shall be located, designed and intended to serve frequent trade or service needs of the residents of the park, and
- d. Shall present no visible evidence of their commercial character from any portion of any residential district outside the park.

[[9]]10. Snowball stands, subject to the requirements of Section 128.0.D.

[[10]]11. Temporary storage of abandoned mobile homes in mobile home parks, provided that:

- a. This use shall be limited to storage of mobile homes which were occupied and subsequently abandoned by their owners within the mobile home park.
- b. An abandoned mobile home shall be stored for a period of time not to exceed six months.
- c. Storage areas shall meet the bulk requirements of Section 113.1.D.3.b, except that the minimum required distance between mobile homes shall not apply to the distance between abandoned mobile homes.

d. Prior to moving an abandoned mobile home from its site to a storage area, a permit shall be obtained from the Department of Planning and Zoning. The permit application shall include a plan showing the storage area and documentation that the park owner has begun the necessary proceedings in accordance with State law to take possession of and remove the mobile home from the premises.

12. Accessory ground-mount solar collectors.

Section 114.1: R-VH (Residential: Village Housing) District

C. Accessory Uses

2. ACCESSORY DWELLING UNIT, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.A.

[[2]]3. The housing by a resident family of:

- a. Not more than four non-transient roomers or boarders; or
- b. Not more than eight mentally and/or physically disabled persons or persons 62 years of age or older, provided the use is registered, licensed or certified by the State of Maryland; or
- c. A combination of a and b above, provided that the total number of persons housed in addition to the resident family does not exceed eight.

[[3]]4. Home occupations, subject to the requirements of Section 128.0.C.

[[4]]5. Home care, provided that if home care is combined with housing of mentally or physically disabled persons or persons 62 years of age or older, as allowed by Subsection 2.b above, the total number of persons receiving home care plus persons being housed shall not exceed eight.

[[5]]6. Parking:

- a. Off-street parking of no more than two commercial vehicles on lots of three or more acres and no more than one commercial vehicle on lots of less than three acres. Private off-street parking is restricted to vehicles used in connection with or in relation to a principal use permitted as a matter of right in the district.
- b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or destroyed motor vehicles shall not be permitted, except as provided by Section 128.0.D.

[[6]]7. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet or smaller, such storage shall be limited to the following:

- a. One recreational vehicle with a length of 30 feet or less; and
- b. One boat with a length of 20 feet or less.

8. Accessory ground-mount solar collectors.

Section 114.2: HO (Historic: Office) District

C. Accessory Uses

- 2. ACCESSORY DWELLING UNIT, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.A.
- [[2]]3. Community meeting houses, commercial establishments for receptions and parties.
- [[3]]4. Antennas accessory to a principal use on the lot.
- [[4]]5. Private parks, athletic fields, exercise facilities, tennis courts, basketball courts and similar private, non-commercial recreation facilities.
- [[5]]6. Accessory ground-mount solar collectors.

Section 114.3: HC (Historic: Commercial) District

C. Accessory Uses

- 2. ACCESSORY DWELLING UNIT, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.A.
- [[2]]3. Antennas accessory to a principal use on the lot.
- [[3]]4. Private parks, athletic fields, exercise facilities, tennis courts, basketball courts and similar private, non-commercial recreation facilities.
- [[4]]5. Accessory ground-mount solar collectors.

Section 126.0: PGCC (Planned Golf Course Community) District

C. Accessory Uses

- 1.b. [[Accessory apartments]]ACCESSORY DWELLING UNIT, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.A. [[provided that:
 - (1) The area of the lot is at least 12,000 square feet.
 - (2) Except for an exterior entrance and necessary parking area, there shall be no external evidence of the accessory apartment.
 - (3) The accessory apartment shall have no more than two bedrooms.]]

Section 127.4: TOD (Transit Oriented Development) District

D. Accessory Uses

- 2. ACCESSORY DWELLING UNIT, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.A.
- [[2]]3. Private parks, athletic fields, exercise facilities, tennis courts, basketball courts and similar private, non-commercial recreation facilities.
- [[3]]4. Home occupations, subject to the requirements of Section 128.C.
- [[4]]5. Small Wind Energy System, building mounted, subject to the requirements of Section 128.0.L.
- [[5]]6. Accessory ground-mount solar collectors.

Section 127.5.C: CAC (Corridor Activity Center) District

C. Accessory Uses

- 2. ACCESSORY DWELLING UNIT, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.A.
- [[2]]3. Home occupations, subject to the requirements of Section 128.C.
- [[3]]4. Private parks, athletic fields, exercise facilities, tennis courts, basketball courts and similar private, non-commercial recreation facilities.
- [[4]]5. Retail sale of propane on the site of a principal retail business.
- [[5]]6. Small Wind Energy System, building mounted, subject to the requirements of Section 128.0.L.
- [[6]]7. Snowball stands, subject to the requirements of Section 128.D.5.
- [[7]]8. Accessory ground-mount solar collectors.

Section 127.6.C: TNC (Transit Oriented Development) District

D. Accessory Uses

- 2. ACCESSORY DWELLING UNIT, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.A.
- [[2]]3. Home occupations, subject to the requirements of Section 128.C.
- [[3]]4. Private parks, athletic fields, exercise facilities, tennis courts, basketball courts and similar private, non-commercial recreation facilities.
- [[4]]5. Retail sale of propane on the site of a principal retail business.
- [[5]]6. Small Wind Energy System, building mounted, subject to the requirements of Section 128.0.L.
- [[6]]7. Snowball stands, subject to the requirements of Section 128.D.5.
- [[7]]8. Accessory ground-mount solar collectors.

Section 128.0: Supplementary Zoning District Regulations

A. Supplementary Bulk Regulations

- 12. Regulations for detached accessory structures on residentially zoned lots developed with single-family detached dwellings

a. Size restrictions

- (1) The maximum cumulative lot coverage permitted for all of the accessory structures located on any given residential lot developed with a single-family detached dwelling is:
 - (a) 600 square feet for a lot in the planned public water and sewer service area.
 - (b) 1,200 square feet for a lot in the RC or RR district which is 2 acres or less
 - (c) 2,200 square feet for a lot in the RC or RR district which is greater than 2 acres.
- (2) The cumulative lot coverage restrictions cited above shall apply to all accessory structures on any residentially zoned lot developed with a single-family detached dwelling, excepting only legitimate farm buildings located on properties meeting the definition of "farm", shipping containers used as accessory storage structures, ACCESSORY DWELLING UNITS and swimming pools. Farm structures, shipping containers used as accessory storage structures, ACCESSORY DWELLING UNITS and swimming pools are not subject to size restrictions; however, they must be subordinate and incidental to the principal use.
- (3) Ground-mounted accessory solar collectors shall not count toward the lot coverage requirement provided they do not cover more than 2% of the lot.

b. Restrictions for accessory structures

FULL BATHROOMS, FULL KITCHENS, AND RESIDENTIAL HABITATION ARE PROHIBITED IN ACCESSORY STRUCTURES, EXCEPT AS PART OF AN APPROVED ACCESSORY DWELLING UNIT. COMMERCIAL USES ARE PROHIBITED IN ALL ACCESSORY STRUCTURES, INCLUDING ACCESSORY DWELLING UNITS.

- 13. Regulations for [[Accessory Apartments]]ACCESSORY DWELLING UNITS
The following shall apply to all [[accessory apartments]]ACCESSORY DWELLING UNITS:

- a. [[If the accessory apartment is within an addition to the existing dwelling it must share a common wall overlap of at least 50% of the length of the shared wall. The apartment cannot be separated from the principal dwelling by an attached garage or a breezeway.]]ONLY 1 ACCESSORY DWELLING UNIT IS PERMITTED PER LOT, TRACT OR PARCEL THAT IS DEVELOPED WITH A SINGLE-FAMILY DETACHED, SINGLE-FAMILY ATTACHED, AND SINGLE-FAMILY SEMI-DETACHED AND TWO-FAMILY DWELLING UNITS.
- b. [[In all dwellings, an accessory apartment shall occupy no more than one-third of the net floor area of the building, up to a maximum of 1,500 square feet. The boundaries of the accessory apartment must encompass at a minimum area devoted to sleeping, food preparation, sanitary facilities and the intervening areas which link these. The floor area of the accessory apartment includes one-third of the area of shared storage or utility areas.
Accessory apartments which exceed 1,500 square feet or more than one-third of the net floor area of the building may be permissible in the RC, RR, R-ED, R-20, or R-12 Districts if a Conditional Use for a two-family dwelling is approved by the Hearing Authority.]]ACCESSORY DWELLING UNITS CAN BE SEPARATE FROM THE PRINCIPAL SINGLE-FAMILY DETACHED, SINGLE-FAMILY ATTACHED, AND SINGLE-FAMILY SEMI-DETACHED AND TWO-FAMILY DWELLING UNITS, ATTACHED AS AN ADDITION TO THE PRINCIPAL SINGLE-FAMILY DETACHED, SINGLE-FAMILY ATTACHED, AND SINGLE-FAMILY SEMI-DETACHED AND TWO-FAMILY DWELLING UNITS, OR WITHIN AN EXISTING SINGLE-FAMILY DETACHED, SINGLE-FAMILY ATTACHED, AND SINGLE-FAMILY SEMI-DETACHED AND TWO-FAMILY DWELLING UNITS.
- c. An accessory [[apartment]]DWELLING UNIT shall operate only upon approval of a permit issued by the Department of Planning and Zoning based on compliance with the requirements of this section and those of the applicable zoning district. With the permit application, the owner must submit a floor plan drawn to scale which delineates the boundaries of the accessory DWELLING UNIT[[apartment]] and [[identifies all of the living spaces as specified in (c) above.]]A PLOT PLAN SHOWING COMPLIANCE WITH THE MAX SIZE LIMITATION AND COMPLIANCE WITH THE REQUIRED SETBACKS.
- d. ACCESSORY DWELLING UNITS SHALL HAVE A MAXIMUM SIZE LIMITATION EQUAL TO 75% OF THE SIZE OF THE PRINCIPAL SINGLE-FAMILY DETACHED, SINGLE-FAMILY ATTACHED, AND SINGLE-FAMILY SEMI-DETACHED AND TWO-FAMILY DWELLING UNITS. FOR THE PURPOSE OF THIS REGULATION, SIZE SHALL BE CALCULATED BASED ON THE LOT COVERAGE OF THE PRINCIPAL DWELLING.
- e. IF AN ACCESSORY DWELLING UNIT IS DETACHED FROM THE PRINCIPAL DWELLING, IT SHALL COMPLY WITH THE ACCESSORY STRUCTURE SIDE AND REAR SETBACKS OF THE UNDERLYING ZONING DISTRICT. AN ACCESSORY DWELLING UNIT WITHIN A

DETACHED STRUCTURE SHALL COMPLY WITH THE FRONT SETBACK REQUIREMENTS OF THE UNDERLYING ZONING DISTRICT AND MAY BE LOCATED IN FRONT OF THE PRINCIPAL SINGLE-FAMILY, SINGLE-FAMILY ATTACHED, AND SINGLE-FAMILY SEMI-DETACHED DWELLING UNITS IF IT IS WITHIN AN EXISTING DETACHED STRUCTURE.

Section 128.0: Supplementary Zoning District Regulations

A. Traditional Residential Neighborhoods

3. Permitted Uses

Uses permitted as a matter of right, accessory uses, and Conditional Use shall be as indicated in the applicable section of these Regulations, except that [[accessory apartments]]ACCESSORY DWELLING UNITS shall be permitted accessory uses in any Traditional Residential Neighborhood subject to the following conditions:

- a. [[The area of the lot shall be at least 8,000 square feet, unless the accessory apartment is located in a Traditional Residential Neighborhood within a R-MH (Residential: Mobile Home) District.]]
- b. The [[accessory apartment]]ACCESSORY DWELLING UNIT shall have no more than two bedrooms.

Section 131.0.N Conditional Uses and Permissible Zoning Districts

Conditional Use
[[Dwelling, Accessory Family]]
[[Two-family Dwellings and Accessory Apartments]]

[[Section 131.0.N.18 Dwelling, Temporary Accessory Family

A Conditional Use may be granted in the RC, RR, R-ED, R-20 or R-12 Districts for a temporary accessory family dwelling provided that:

- a. The minimum lot size shall be 2 acres.
- b. The temporary accessory family dwelling shall be accessory to a single-family detached dwelling on the same lot.
- c. If the temporary accessory family dwelling is a removable modular building, the maximum gross floor area of the use shall be less than 1,000 square feet. If the temporary accessory family dwelling is proposed as an alteration to an existing accessory building, the Hearing Authority may increase the maximum gross floor area of the use to 1,000 square feet or greater, provided that the use clearly remains subordinate to the principal dwelling on the lot. A temporary accessory family dwelling is not subject to the standard lot coverage regulations for accessory structures in Section 128.0.A.
- d. For newly constructed or installed temporary accessory family dwellings, the petition

shall include a plan for appropriate screening as necessary to provide an attractive buffering for neighboring residential properties.

- e. A resident of the temporary accessory family dwelling shall be a relative of at least one resident of the principle dwelling and shall either be:
 - (1) 62 years of age or older; or
 - (2) 18 years of age or older and determined by a qualified medical authority to have physical, mental, or developmental impairments that:
 - (a) Are expected to be of a long, continued and indefinite duration;
 - (b) Substantially impede the ability to live independently or are of such a nature that the ability to live independently is facilitated by more suitable living conditions.
- f. If determined necessary by a qualified medical authority, a long-term caregiver shall also be permitted to reside in the temporary accessory family dwelling.
- g. No more than one temporary accessory family dwelling or accessory apartment shall be permitted per lot.
- h. The name of the elderly or disabled family member who will reside in the temporary accessory family dwelling shall be documented with the Conditional Use approval. The temporary accessory family dwelling shall only be used as a dwelling unit for the housing of this elderly or disabled family member of the resident of the principal dwelling unit and a long-term caregiver as provided above, and shall not be used as a dwelling unit by any other person(s).
- i. A Conditional Use for a temporary accessory family dwelling shall become void unless an owner of the property provides an affidavit to the Hearing Authority once a year from the date of approval attesting under penalties of perjury that the accessory family dwelling continues to comply with the specific requirements of this section.
- j. If the temporary accessory family dwelling is a removable modular building, it shall be removed from the property within 60 days after the documented elderly or disabled family member no longer resides in this dwelling. If the

temporary accessory family dwelling is established as an alteration to an existing accessory building, 60 days after the documented elderly or disabled family member no longer resides in this building, the alterations authorized by the Conditional Use shall be removed and the accessory building shall no longer be used as a dwelling.]]

Section 131.0.N.18. Farm Tenant House

A Conditional Use may be granted in the RC and RR Districts for a farm tenant house as defined in these Regulations, provided that:

- a. The house is to be occupied by at least one person involved in a bona fide farming operation of the owner. The petitioner shall provide documentation substantiating this requirement.
- b. The house shall be located on a parcel which is principally used for farming and is at least 25 acres but less than 50 acres in area.
- c. The parcel on which the farm tenant house will be located must be improved with a principal dwelling unless, based on justification of need submitted by the petitioner, the Hearing Authority authorizes an exception to this requirement based on the nature of farming activities on the property.
- d. In the event farming ceases to be the principal use on the property, the house shall either be removed or converted to no longer be used for residential purposes, or the property subdivided so that the house becomes a principal single-family detached dwelling on a legal lot, except that a farm tenant house approved prior to October 6, 2013 shall not be subject to this criteria.

Section 131.0.N.19. Fast Food Restaurant

A Conditional Use may be granted for a fast-food restaurant in the B-1, M-1 or M-2 Districts, provided that:

- a. At least 20% of the site area will be landscaped. The petitioner shall submit a specific landscaping plan, which if approved becomes binding on the development of the facility. The landscaping plan must include plantings which enhance the appearance of the site from public roads and provide buffering for adjacent uses.
- b. The petitioner shall demonstrate that the noise generated by speakers for drive-through service lanes will not be audible from residentially zoned land and residential uses.
- c. If the site borders a residential district:
 - (1) A detailed lighting plan must be approved by the Hearing Authority.
 - (2) Solid walls such as masonry or wood and masonry may be required by the Hearing Authority. When solid walls are required, landscape planting is required between the wall and the property line.

Section 131.0.N.20. Funeral Homes and Mortuaries

A Conditional Use may be granted in the RC, RR, R-ED or R-20 Districts for funeral homes or mortuaries provided that:

- a. The area of the lot shall be not less than three acres.
- b. The site has frontage on and direct access to a collector or arterial highway designated in the General Plan.
- c. The design of new structures or additions to existing structures will be compatible in scale and character with residential development in the vicinity, as demonstrated by architectural elevations or renderings submitted with the petition.
- d. Buildings, parking areas and outdoor activity areas will be at least 50 feet from adjoining residentially zoned properties other than public road rights-of-way. The Hearing Authority may reduce this setback to no less than 20 feet or the minimum setback required by the zoning district, whichever is greater, if:
 - (1) The adjoining land is committed to a long term institutional or open space use that provides an equivalent or better buffer for vicinal residential development or;
 - (2) The petition includes detailed plans for screening, consisting of a combination of a solid fence or wall and landscaping, or an equivalent combination, that presents an attractive and effective buffer for neighboring properties.
- e. At least 20% of the area within the building envelope shall be green space, not used for buildings, parking area or driveways. The building envelope is formed by the required structure setbacks from property lines and public street rights-of-way.

Section 131.0.N. [[23]] 22. Gasoline, Fuel Oil, Liquefied Petroleum and Compressed Natural Gas, Bulk Storage of

A Conditional Use may be granted in the B-2, M-1 or M-2 Districts for the bulk storage of gasoline, fuel oil, liquefied petroleum or compressed natural gas, provided that:

- a. Maximum storage above ground shall not exceed 10,000 gallons or its equivalent in pounds or cubic feet, for each 20,000 square feet of lot area. Except that total storage of liquefied petroleum or compressed natural gas in the B-2 District shall not exceed 2,000 gallons and no single container may contain more than 1,000 gallons of liquefied petroleum or compressed natural gas. Total storage above ground shall not exceed 20,000 gallons in the M-1 District but shall not be limited in the M-2 District
- b. If the use is closed or not operated for a continuous period of twelve months, the storage facilities shall be dismantled and removed from the site.
- c. Solid walls such as masonry or wood and masonry may be required by the Hearing Authority when the site adjoins a residential district. When solid walls are required, landscape planting is required between the outside of the wall and the property line.
- d. The minimum structure and use setback from all property lines shall be 75 feet.

Section 131.0.N. [[24]] 23. Reserved

Section 131.0.N. [[25]] 24. Golf Courses

A Conditional Use may be granted in the RC and RR Districts, on properties that are not ALPP purchased or dedicated easement properties, and in the R-ED, R-20, R-12, R-SC or R-SA-8 Districts for country clubs with golf courses, provided that:

- a. A minimum setback of 50 feet is required for all structures and uses from all adjoining properties. This may be reduced by the Hearing Authority if the adjoining property is a farm
- b. A separation distance of at least 100 feet will be provided between the edge of golf course fairways and existing residential structures. The design of the fairways shall minimize the potential of errant golf shots from causing damage or hazards on adjoining properties to the greatest extent possible.
- c. Outdoor uses will be located and designed to shield residential property from noise or nuisance.
- d. Other athletic, recreational or social uses accessory to the principal use, such as typical country club uses, are permitted if approved by the Hearing Authority
- e. For an existing golf course approved prior to October 6, 2013, compliance with Section A and Section B above is only necessary for significant redevelopment of the facility.
- f. An existing use approved under the former Special Exception and Conditional Use category for "Country Clubs and Golf Courses" prior to October 6, 2013, shall be considered conforming under the conditions of the original approval. Enlargements and/or extensions to this previously approved use shall only be subject to the general standards and to Section A, Section C and Section D above.

Section 131.0.N.25. Guest House

A Conditional Use may be granted in the R-12 District for a guest house provided that:

- a. The minimum lot size shall be 1 acre. The maximum lot size shall be 2 acres. The parcel shall have frontage on and direct access to an arterial road designated in the General Plan
- b. Accessory limited outdoor social assembly uses are not permitted.
- c. The Hearing Authority shall establish limitations on the size and frequency of indoor events with food and drink, considering the size, design and location of the facility in relation to neighboring properties. The guest house shall post rules to prevent guest noise from disturbing neighbors.
- d. The Hearing Authority shall establish limitations on the hours for trash collection and deliveries.
- e. The front setback for parking shall be the same as the front setback for structures.
- f. The owner of the guest house shall reside on the property. The Hearing Authority may permit the owner to reside off-site and allow a specific owner's agent if the Hearing Authority finds that such an arrangement will ensure that the use will be properly maintained and managed in accordance with all criteria and conditions.
- g. The maximum floor area ratio ("FAR") for the guest house shall be 0.5 FAR.
- h. The use shall have a minimum of 15 guest rooms and a maximum of 19 guest rooms.

- i. On-site parking shall meet, but not exceed, minimum parking requirements for hotel and motel uses. Parking shall be limited to approved paved parking spaces and there shall be no off-site or valet parking.
- j. Meals may be served to guests residing on the premises only and there shall be no public restaurant use.

Section 131.0.N.26. Historic Building Uses

A Conditional Use may be granted for the conversion of a historic building in the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, R-APT, R-MH, POR, B-1, B-2, M-1, and M-2 Districts to apartments and in the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-A-15, R-APT and R-MH Districts to business and professional offices, specialty stores, standard restaurants, arts and crafts classes, antiques shops, art galleries, craft shops; bakeries (provided all goods baked on the premises shall be sold at retail from the premises); furniture upholstery, and similar services; personal service establishments; seasonal sale of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.0.D.4; service agencies; or community meeting halls, provided that:

- a. The building is a historic structure as defined in these Regulations.
- b. The maximum number of dwelling units permitted shall be one dwelling unit for every 800 square feet of building area.
- c. Extension or enlargement of the principal historical structure and all accessory structures may not exceed 50% of the gross floor area of each individual building above that which existed on August 1, 1989, when ZB 882R was adopted adding the historic building use category to these Regulations.
- d. Exterior alterations to the historic structure shall be architecturally compatible with the historic structure as determined by the Historic District Commission, prior to the approval of the Conditional Use.
- e. A historic building converted into a community meeting hall or offices shall be subject to the following standards:
 - (1) No material or equipment shall be stored outside of structures.
 - (2) Parking areas shall be set back a minimum of 30 feet from all property lines or public street rights-of-way and screened from the roadway and adjacent properties.
 - (3) The site shall have frontage on and direct access onto a collector or arterial road designated in the General Plan
- f. A historic building that is converted for historic venue uses shall be subject to the following standards:
 - (1) The property is located in an R-20 district.
 - (2) The minimum lot size shall be 7 acres.
 - (3) The use shall not share a driveway with another residential lot.
 - (4) Parking areas shall be set back a minimum of 30 feet from all property lines or public street rights-of-way, and as close as possible to the primary ingress or egress points, and adequately screened to minimize visibility from the roadway and adjacent properties.
 - (5) The site shall have frontage on and direct access onto a collector or arterial road designated in the general plan.

- (6) Outdoor use is permitted provided that any outdoor use area is located and screened to adequately shield adjacent residential lots from noise and nuisance. Any temporary structure, including tents, shall be within the fully screened approved outdoor use area.
 - (7) All outdoor uses shall be located within 350 feet of the principal historic structure on the property.
 - (8) Petitioner shall submit a sound management plan demonstrating how sound from outdoor uses will be managed to minimize adverse impacts on surrounding residential properties. The sound management plan shall include provisions made to mitigate the impact of any amplified sound equipment. The sound management plan shall be reviewed by the hearing authority every three years.
 - (9) The source of all amplified music, including speakers and all relevant sound producing or enhancing equipment, shall be sited within 175 feet of the principal historic structure and not less than 200 feet from any adjacent residential dwelling, and remain in that location during the entirety of an event.
 - (10) No amplified music shall be permitted between 7:00 p.m. and 11:00 a.m., unless contained in a soundproof structure with no perceptible sound at lot lines.
 - (11) Section 8.900 of the County Code - Noise Affecting Residential Areas applies to all events under this subsection.
 - (12) The petitioner will ensure that parking is sufficient and the perimeter of the property is secure so that there is no overflow parking or pedestrian traffic from events by patrons in any of the adjacent or nearby residential areas.
 - (13) Outdoor uses, including parking, shall be fully screened from all adjacent properties, except along the boundary with any arterial road.
 - (14) The hearing authority may set the days, hours of operation, and maximum number of guests for historic venue uses.
 - (15) For a historic building converted for historic venue use shall become void unless an owner of the property provides an affidavit to the hearing authority once every six years from the date of approval attesting under penalties of perjury that the historic building converted for historic venue conditional use continues to comply with the specific requirements of this section.
- g. On an ALPP purchased or dedicated easement property, the following additional criteria are required:
- (1) The use shall not interfere with the farming operations or limit future farming production.
 - (2) Any new building or building addition associated with the use, including any outdoor storage and parking area shall count towards the cumulative use cap of 2% of the easement

Section 131.0.N.27. Home-Based Contractors

A Conditional Use may be granted in the RC, RR and R-20 Districts for home-based contractors, subject to the following requirements, except that landscape contractors have

separate requirements elsewhere in Section 131.0.N., and home-based contractors meeting the requirements of Section 128.0.C.2 are permitted accessory uses:

- a. The minimum lot size is three acres in the RC and RR Districts. The minimum lot size is 2.5 acres in the R-20 district and the lot shall abut an intermediate arterial highway, as designated in the General Plan.
- b. The number of commercial vehicles parked on the site shall be limited to three commercial vehicles for lots up to six acres, and five commercial vehicles for lots larger than six acres and not more than 20 acres.
On lots larger than 20 acres, the Hearing Authority may approve additional commercial vehicles, as is determined to be appropriate based upon the character of the property and its relation to the surrounding area.
- c. On lots six acres or fewer, the area used for parking and storage of commercial vehicles, equipment and supplies, whether exterior or interior, shall be limited to no more than 50% of the area of the lot or 10,000 square feet, whichever is less. On lots larger than six acres, the area used for these purposes shall be limited to no more than 5% of the lot or one acre, whichever is less.
- d. In the RR and RC Districts, structures used for the Conditional Use shall be at least 50 feet from lot lines and all outdoor parking or storage areas shall be at least 100 feet from lot lines.
- e. In the R-20 district, structures for and uses of the home-based contractor conditional use shall be restricted as follows:
 - (1) The use shall not alter the residential appearance of the neighborhood.
 - (2) The structures used for the Conditional Use shall be at least 100 feet from the nearest residential lot lines.
 - (3) Outdoor parking or storage areas shall be at least 75 feet from residential lot lines and screened from public streets and residential lots by solid walls, fences, or a tree buffer at least 25 feet wide.
- f. The location and design of the operation shall be such that the use will not be a nuisance to residents of neighboring properties due to noise, dust or fumes. Particular consideration shall be given to the location of loading areas, parking and circulation areas, and driveways in relation to neighboring properties.
- g. If the driveway providing access to the proposed site is shared with other properties, the petitioner shall demonstrate that the use will not result in damage to or deterioration of the shared driveway or in increased hazards to other users of the driveway.
- h. Parking and storage areas shall be restricted as follows:
 - (1) Supplies shall be stored within a building, except that mulch, compost, soil, sand, stone and other natural materials may be stored outdoors. Supplies stored outdoors must be fully screened from surrounding properties and roads by vegetation, fencing or other appropriate means in accordance with the County Landscape Manual.
 - (2) Equipment shall be either stored within a building or screened from surrounding properties and roads by vegetation, fencing or other appropriate means in accordance with the Howard County Landscape Manual.

- i. The Hearing Authority shall establish the maximum number of employees permitted on the lot and the maximum allowable number of employee trips per day.
- j. The Hearing Authority shall establish the days and hours of operation.
- k. New structures or additions to existing structures shall be designed to be compatible in appearance and scale with other residential or agricultural structures in the vicinity, as demonstrated by architectural elevations or renderings that shall be submitted with the petition.
- l. Minor repairs to vehicles or equipment shall be permitted, provided such activities take place inside a building. Body work, engine rebuilding, engine reconditioning, painting and similar activities shall not be permitted.
- m. Where two or more adjacent lots are under common ownership and used as a single homesite, home-based contracting uses may be located on a different lot than the principal dwelling, if the Hearing Authority determines that this will provide a more compatible location in relation to vicinal properties that effective screening will be provided by using existing site features, or that it will result in decreased impacts on neighboring lots.
- n. On an ALPP purchased or dedicated easement property, the following additional criteria are required:
 - (1) The use shall not interfere with the farming operations or limit future farming production.
 - (2) Any new building or building addition associated with the use, including any outdoor storage and parking area shall count towards the cumulative use cap of 2% of the easement.

Section 131.0.N. [[29]] 28. Home Occupations

A Conditional Use may be granted in the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-H-ED R-A-15, R-APT, R-MH, R-VH, PGCC, TOD, CAC and TNC Districts for home occupations subject to the following requirements. Home occupations meeting all requirements of Section 128.0.C.1 are permitted accessory uses:

- a. Home occupations approved under this section include the following uses:
 - (1) Those listed in Section 128.0.C. which exceed the floor area restrictions or the nonresident employee or client visitation limitations of that Section;
 - (2) Home Occupations which plan to construct a new detached accessory structure;
 - (3) Individual or group instruction of more than 6 students at one time in an academic or non-academic subject;
 - (4) Catering, subject to health department approval; and
 - (5) Other home occupations may be approved by the Hearing Examiner for single-family detached properties 12,000 square feet or greater in area, excluding specific home based businesses that are allowed under other Conditional Use categories listed at the beginning of Section 131.0.N.
- b. The total area devoted to the home occupation may exceed 33% of the gross floor area of the dwelling.

- c. The petition shall include a plot plan showing the location and dimensions of structures, parking areas and driveways and a floor plan showing the dimensions and boundaries of the home occupation.
- d. The home occupation shall be located entirely within the dwelling, an accessory building, or both.
- e. The home occupation shall not alter the residential character or appearance of the dwelling or the lot. An existing or proposed accessory building used for the home occupation must be compatible in scale, character and appearance with the residential character of the site and the neighborhood.
- f. There shall be no exterior evidence, other than a permitted sign, to indicate that the site is being used for any purpose other than that of a dwelling. Exterior evidence shall include outdoor display or storage, noise, dust, vibration, glare, fumes or odors or extensive parking area.
- g. The unrestricted sale or rental of commodities may not take place on the lot. Allowed sales related activities include: processing orders by mail, telephone or computer; receiving and mailing merchandise (subject to the limitation on truck deliveries); storage of catalogues, samples, previously ordered merchandise and inventory; office functions such as telephone, computer, and record keeping. In addition, occasional, small volume sales associated with home parties held for the purposes of the display and sale of goods such as cookware, fashion accessories, skin care products, etc. may occur on the site at a frequency determined by the Hearing Authority.
- h. Prohibited home occupations include, but are not limited to the following uses:
 - (1) Vehicle repair, sales or rentals.
 - (2) Restaurants.
 - (3) Laundry and dry cleaning services.
 - (4) Firearm sales.
- i. The home occupation shall be principally conducted by persons residing in the dwelling. In addition, not more than five nonresident employees may work on the lot at one time in connection with the home occupation.
- j. Business-related off-street parking areas shall be screened from public roads and neighboring properties.
- k. No business-related deliveries by trucks with more than two axles shall be permitted. Parcel post and other similar delivery trucks are permitted.
- l. On an ALPP purchased or dedicated easement property, the following additional criteria are required:
 - (1) The use shall not interfere with the farming operations or limit future farming production.
 - (2) Any new building addition associated with the use, including any outdoor storage and parking area shall count towards the cumulative use cap of 2% of the easement.

Section 131.0.N.29. Junk Yard

A Conditional Use may be granted for a junk yard in the M-2 District, provided that:

- a. The lot for the proposed junk yard shall be not less than one but not more than five acres.
- b. Outdoor areas used for the processing, dismantling, cleaning or storage of parts, material or motor vehicles will be:
 - (1) At least 300 feet from any other zoning district, at least 50 feet from public street rights-of-way and at least 30 feet from property lines; and
 - (2) Enclosed by a solid wood or masonry wall or fence, 6 to 8 feet high, of a design approved by the Hearing Authority. Building walls may form part of the enclosure.
- c. No storage of tires shall be permitted.
- d. All toxic materials shall be properly disposed of in accordance with established Federal, State and County Regulations.

Section 131.0.N. [[31]]30. Kennels and Pet Grooming Establishments

A Conditional Use may be granted in the RC, RR or R-20 Districts for kennels or pet grooming establishments, and in the B-1 District for kennels, provided that:

- a. For kennels housing or training eleven or more animals at one time, the following requirements shall apply:
 - (1) Minimum lot size5 acres
 - (2) Minimum setback for outdoor training and exercise areas and outside pens and runs from any lot line200 feet
 - (3) Minimum structure setback
 - a) From public street right-of-way100 feet
 - b) From any other lot line200 feet
 - (4) The Hearing Authority may reduce the 200 foot setback from lot lines for structures and outdoor training and exercise areas and outside pens or runs to a distance no less than 150 feet if it finds that the setback reduction will not adversely affect neighboring properties due to visual impact, noise, dust, odors or other causes, and that the outdoor training area, pen, run or structure will be located at least 200 feet from existing dwellings on different lots. Outside pens and runs and outdoor training and exercise areas for which this setback reduction is approved shall be enclosed by solid fences or walls.
- b. For pet grooming establishments not located completely within a residence, or for kennels housing or training no more than eight animals at any one time, the following requirements shall apply:
 - (1) Minimum lot size3 acres
 - (2) Minimum setback for outdoor training and exercise areas and outside pens and runs from any lot line150 feet
 - (3) Minimum structure setback:
 - a) From public street right-of-way75 feet
 - b) From any other lot line100 feet
- c. For pet grooming establishments in which all business activities take place within a residence, the minimum lot size shall be 40,000 square-feet.
- d. All parking areas and outside pens and runs, and as appropriate, all buildings shall be screened by landscaping or other suitable means from adjoining properties and public street rights-of-ways.

- e. Disposal of wastes must be such that odors or other emissions are not perceptible at lot lines;
- f. The lot shall have frontage on and direct access to a collector or arterial road designated in the General Plan.
- g. On an ALPP purchased or dedicated easement property, the following additional criteria are required:
 - (1) The use shall not interfere with farming operation or limit future farming production.
 - (2) Any new building or building addition associated with the use, including any outdoor storage and parking area shall count towards the cumulative use cap of 2% of the easement.

Section 131.0.N.31. Landscape Contractors

A Conditional Use may be granted in the RC and RR Districts for landscape contractors, provided that:

- a. The site is at least 5 acres in area.
- b. Buildings and outdoor areas to be used for parking, loading and storage of vehicles, equipment and tools and supplies shall be delineated on the Conditional Use plan and located at least 100 feet from lot lines and public roads.
- c. The location and design of the operation shall be such that the use will not be a nuisance to neighboring properties due to noise, dust or fumes.
- d. Buildings used for storage or offices will be screened or compatible in scale and character with other residential or agricultural structures in the vicinity. If new structures or additions to structures are proposed, architectural elevations or renderings must be submitted with the petition.
- e. Outdoor parking and storage areas shall be screened from neighboring properties and roads.
- f. Minor repairs to vehicles or equipment are permitted, provided such activities take place inside a building. Body work, engine rebuilding, engine reconditioning, painting and similar activities are not permitted.
- g. The area used for parking and storage of commercial vehicles, equipment, materials and supplies, whether exterior or interior, shall be limited to no more than 5% of the area of the lot.
- h. The Hearing Authority shall set limits on the maximum number of employees and shall set the days and hours of operation.
- i. A snow removal service shall not be conducted as an accessory use unless specifically authorized by the Hearing Authority, upon a finding that the noise and level of activity of such a service will not be a nuisance to the neighborhood.
- j. On an ALPP purchased or dedicated easement property, the following additional criteria are required:
 - (1) The use shall not interfere with farming operations or limit future farming production.
 - (2) Any new building or building addition associated with the use, including any outdoor storage and parking area shall count towards the cumulative use cap of 2% of the easement.

Section 131.0.N.32. Limited Social Assemblies

A Conditional Use may be granted for limited social assemblies in the RC District, provided that:

- a. The lot is the site of a historic structure as defined in these Regulations.
- b. The minimum lot size is 5 acres or greater.
- c. If the driveway providing access to the proposed site is shared with other properties or has direct access to and frontage on a local road, the petitioner shall demonstrate that the use will not result in damage to or deterioration of the shared driveway or in increased hazards to other users of the driveway or local road. The Hearing Authority shall prescribe appropriate conditions and safeguards to ensure the Conditional Use operator's responsibility for repair of any damage or deterioration of the shared driveway caused by the Conditional Use, including requirements for surfacing of access driveways.
- d. The petitioner shall provide a traffic management plan and a sight distance analysis.
- e. The limited social assemblies are the following private functions: Picnics, weddings, anniversary/retirement parties, bridal or baby showers, not for profit organization fund raisers, banquets, rehearsal dinners, philanthropic events, or other similar events.
- f. With the exception of restroom facilities if required by the Health Department, no permanent structures, including catering or restaurant facilities shall be constructed on site.
- g. The outdoor assembly area is located and designed to shield residential property from noise or nuisance and screened from adjacent residential properties.
- h. Limited social assembly events shall have the following limitations:
 - (1) Maximum capacity is not to exceed 150 attendees;
 - (2) No more than 25 of these events shall be held within a one year period.
 - (3) Operation hours shall be restricted to between 9:00 a.m. and 10:00 p.m., Monday thru Thursday; between 12:00 p.m. and 12:00 a.m., Friday and Saturday; and between 12:00 p.m. and 10:00 p.m., Sunday.
- i. All event activities shall occur outdoors except that interior spaces in existing structures over 50 years old, limited to barns or other similar farm structures which are existing at the time of the Conditional Use application, may be utilized. Event activities within enclosed tents are permitted, however.
- j. Special events with catered food or food prepared on-site are subject to review by the food protection program of the Howard County Department of Health and may require a special events permit. The Conditional Use may not commence until the applicant has obtained approval of all necessary permits for its operation.
- k. On an ALPP purchased or dedicated easement property, the following additional criteria are required:
 - (1) The use shall not interfere with farming operations or limit future farming production.

- (2) Any new building or building addition associated with the use, including any outdoor storage and parking area shall count towards the cumulative use cap of 2% of the easement.

Section 131.0.N. [[34]] 33. Mobile Homes for Security Purposes

A Conditional Use may be granted in the M-1 or M-2 District for one mobile home to be used for security purposes, provided that the property contains an outdoor storage facility for equipment, supplies or products in connection with a use permitted in the M-1 or M-2 District. The petitioner shall demonstrate that there is a need for the mobile home as a security measure.

Section 131.0.N. [[35]] 34. Movie Theaters, Legitimate Theaters, Dinner Theaters

A Conditional Use may be granted in the M-1, M-2 or CE Districts for movie theaters, legitimate theaters and dinner theaters, provided that a determination is made by the Hearing Authority that such use will not constitute a nuisance because of sidewalk or street traffic, noise or physical activity, that such use will not adversely affect the use of adjoining properties, and that adequate off-street parking facilities are available in close proximity to the proposed use.

Section 131.0.N. [[36]] 35. Museums and Libraries

A Conditional Use may be granted in the RC and RR Districts, on properties that are not ALPP purchased or dedicated easement properties, and in the R-ED or R-20 Districts for museums, art galleries, and libraries, provided that a determination is made by the Hearing Authority that such use will not constitute a nuisance because of sidewalk or street traffic, noise or physical activity, and that such use will not tend to adversely affect the use and development of adjoining properties.

Section 131.0.N. [[37]] 36. Nonprofit Clubs, Lodges, Community Halls and Camps

A Conditional Use may be granted in the RC and RR Districts, on properties that are not ALPP purchased or dedicated easement properties, and in the R-ED, R-20, R-12, R-SC, R-SA-8 and R-H-ED Districts for nonprofit clubs, including health or athletic clubs, and similar nonprofit organizations, provided that:

- a. Buildings, parking areas and outdoor activity areas will be at least 50 feet from adjoining residentially-zoned properties other than public road right-of ways.
- b. At least 20% of the area within the building envelope shall not be used for buildings, parking areas or driveways. The building envelope is formed by the required structure and use setbacks of the Zoning Regulations for the zoning district and the Subdivision and Land Development Regulations.
- c. Outdoor uses will be located and designed to shield residential property from noise or nuisance. The Hearing Authority may set the days and hours of operation for outdoor uses.
- d. The site has frontage on and direct access to a collector or arterial road designated in the General Plan.
- e. In the RC and RR Districts, the minimum lot size is three acres. In the R-ED, R-20, R-12, R-SC, R-SA-8, and R-H-ED Districts, the minimum lot size is one acre.

Section 131.0.N.37. Nursing Homes and Residential Care Facilities

A Conditional Use may be granted in the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, R-APT, R-MH, R-VH, CAC and TNC Districts for nursing homes and residential care facilities, provided that:

- a. The facility shall have 16 or fewer beds.
- b. The minimum lot size for a new facility is one acre. An existing facility does not have to comply with this criteria.
- c. The design of new structures or additions to existing structures will be compatible in scale and character with residential development in the vicinity, as demonstrated by architectural elevations or renderings that shall be submitted with the petition.
- d. Buildings, parking areas and outdoor activity areas will be at least 50 feet from adjoining residentially-zoned properties other than public road right-of-ways.
- e. At least 20% of the area within the building envelope shall not be used for buildings, parking areas or driveways. The building envelope is formed by the required structure and use setbacks of the Zoning Regulations for the zoning district and the Subdivision and Land Development Regulations.

Section 131.0.N.38. Pet Day Care Facilities

A Conditional Use may be granted in the RC, RR or R-20 Districts for pet day care facilities, provided that:

- a. The minimum lot size shall be one acre.
- b. All day care business functions must be completely enclosed within a building. Indoor noise must not be perceptible at lot lines.
- c. The Hearing Authority may set hours of operation and limitations on the number and type of pets cared for.
- d. The facility shall not be located on a shared driveway.
- e. Parking areas shall be located and landscaped to minimize visibility from roads and adjacent residential properties.
- f. There shall be no overnight boarding of pets.
- g. Outdoor areas for walking or exercising pets may be permitted provided that pets shall not be left unattended in such an area. The Hearing Authority may set a limit on the number of pets permitted simultaneously in the outdoor area. The perimeter of this outdoor area shall be fenced and landscaped to ensure that animals are confined to the property and to minimize the visibility of the enclosure. All fencing shall comply with all requirements for fences as noted elsewhere in Section 128.0. The petitioner must clearly delineate the outdoor area on the Conditional Use plan.
- h. Disposal of wastes must be such that odors or other emissions are not perceptible at lot lines.
- i. On an ALPP purchased or dedicated easement property, the following additional criteria are required:
 - (1) The use shall not interfere with farming operations or limit future farming production.
 - (2) Any new building or building addition associated with the use, including any outdoor storage and parking area shall count towards the cumulative use cap of 2% of the easement.

Section 131.0.N.39. Produce Stands

A Conditional Use may be granted in the R-20 District for a produce stand, provided that:

- a. The use may not be located on a lot less than one acre nor larger than two acres.
- b. The produce stand shall be the sole use on the property.
- c. The use may include the retail sale of crops, produce, flowers, plants and seasonal displays, baked goods, dairy products and bottled/package food products.
- d. The site has frontage on and direct access to a minor arterial road as designated in the General Plan.

Section 131.0.N.40. Quarries—or Rock, Stone, Sand Excavations

A Conditional Use may be granted in the RC District, on properties that are not ALPP purchased or dedicated easement properties, and in the M-1 or M-2 Districts for quarries and similar excavations for sand, rock, stone and minerals, provided that:

- a. In the M-1 District, accessory processing uses such as concrete manufacture may be permitted if approved by the Hearing Authority.
- b. The approved portion of the tract shall have a peripheral buffer area 100 feet in width which shall be retained in its natural topographic condition, undisturbed by excavation or mining or other associated uses. The setback area shall not be used for any purpose except planting, fencing and roads for ingress and egress to the tract.
- c. The height of structures and any man-made landforms may be limited by the Hearing Authority.
- d. Equipment for washing, sorting, crushing, grinding, loading, unloading, spreading, weighing, screening, sizing or similar operations shall not be located within three hundred feet of a property line, except that the Hearing Authority may permit sedimentation ponds to be closer than 300 feet, but not closer than 100 feet to such property line if the applicant demonstrates the topographic necessity of such a location and that sufficient safeguards will be provided for the protection of neighboring residents and uses.
- e. All operations shall be conducted in a safe manner with respect to the likelihood of hazard to persons, physical or environmental damage to lands and improvements and damage to any street, bridge or public right-of-way as a result of the development or operation of the quarry.
- f. Existing trees and ground cover along public road frontage and lot lines shall be preserved, maintained and supplemented by selective cutting, transplanting, and addition of new trees, shrubs and ground cover.
- g. Excavated areas shall be maintained thoroughly drained, except for draining and ponding areas which are used for production.
- h. All driveways serving the facility shall be treated or surfaced as necessary to control dust.
- i. The Hearing Authority shall limit the permit to operate such quarry to a specific expiration date.
- j. Operation hours shall be restricted to between 7:00 a.m. and 6:00 p.m. No blasting shall be permitted between the hours of 6:00 p.m. and 7:30 a.m. No operation shall be permitted on Sundays except for repairs to equipment. Only sales and deliveries may be permitted on Saturdays.

- k. The Conditional Use plan submitted with the Conditional Use application shall show the following:
- (1) Setback area, including screening and fencing.
 - (2) Portion of tract, if any, actually being excavated, and proposed excavation areas;
 - (3) Existing and proposed structures and major mechanical equipment;
 - (4) Existing and proposed access roads;
 - (5) Water supply and sewage disposal;
 - (6) All necessary pollution control measures;
 - (7) Stockpile area;
 - (8) Points of access to the site and provisions to control unauthorized entry to the site along the entire perimeter;
 - (9) Survey boundaries of the subject property and proposed operation based on the Maryland State Plane Coordinate System.
 - (10) A road condition study to determine the adequacy of the structural elements serving the site for truck traffic to be generated by the quarry.

l. Reclamation Plan

A reclamation plan at a scale of 1" = 200' shall be submitted at the time of the Conditional Use application setting forth a plan for reclamation of the permit area. A reclamation contour plan showing contour intervals of 2 feet shall be included, indicating the general grades and slopes to which excavated or filled areas are to be graded. A description of the methods and materials proposed for rehabilitation of topsoil shall be specified. The reclamation schedule shall include specific information relating to regrading, drainage, landscaping, erosion backfilling, removal of machinery and structures, and closing of access roads. No reclamation plan shall be approved unless it provides for the following minimum program.

- (1) Regrading—All disturbed land shall be regraded as required by the Maryland Department of Natural Resources. Whenever the site of an excavation for a quarry is greater than 50% grade, the excavated area shall be fenced with a durable galvanized fence six feet high, located not less than 20 feet from the edge of excavation. The County shall have the right to enter and repair or maintain such fence whenever the property owner shall fail to do so. The property owner shall be liable to the County for the cost of the repairs or maintenance.
- (2) Landscaping, Erosion, Backfilling—All piles of disturbed earth or material resulting from the excavating or filling operation shall be graded to a smooth contour to control erosion and to prevent ponding and undrained water pockets. The graded area shall be covered with suitable soil to sustain growth, then vegetatively stabilized using a perennial cover species as recommended by the County Soil Conservation District.
- (3) Removal of Machinery and Structures—All machinery and structures shall be completely removed and underlying excavations filled to grade, except structures or machinery that are to be

continued in operation for a use permitted under the zoning classification.

- (4) Access Roads—Upon the abandonment of excavation operations on any site or portion thereof in the permit areas, all access roads shall be suitably barricaded to prevent the passage of vehicles either into or out of the abandoned area, except such access as needed for vehicles engaged in rehabilitation work, until the plan for rehabilitation has been completed and other use necessitating access has been commenced on the property.
 - (5) Adequate Collateral or Bonds—Detailed engineering studies shall be provided by the petitioner setting forth the estimated cost of the accepted plan for rehabilitation. Such studies shall be submitted for the approval and periodic review of the Hearing Authority. A bond shall be provided or adequate collateral shall be kept in escrow, drawing interest to the benefit of the petitioner, to cover the estimated cost of the accepted plan for rehabilitation. Such bond or money shall only be released upon completion of the rehabilitation program.
- m. No excavation or processing operations shall be commenced on land in the permit area until all persons having an interest of record in said land shall cause to be recorded among the land records of the County:
 - (1) A description of the area included within the permit area,
 - (2) The application number and the date the permit was granted by the Hearing Authority,
 - (3) A statement indicating that use of the land will be in accordance with an approved Site Development Plan and an approved rehabilitation plan, and
 - (4) A declaration binding their heirs and assigns to utilize the land in accordance with said Site Development Plan and rehabilitation plan until excavation processing or filling operations cease and rehabilitation of the land is completed.
 - n. The County and the applicant shall enter into an agreement providing that, should the quarry have been operated in violation of any of the provisions or conditions of the Conditional Use including failure to comply with an approved rehabilitation plan, in such a way as to require corrective action, the applicant shall cause the corrective action to be taken. The agreement shall further stipulate that, should the applicant fail to take the necessary corrective action within 30 days of written notice from the County to do so, the required bonds or collateral will be forfeited and the County may cause corrective actions to be commenced. In addition, the applicant shall agree to pay the cost for corrective action which exceed the bond or collateral amount.
 - o. In the RC District, the minimum lot size is 25 acres.

Section 131.0.N.41. Religious Facilities, Structures and Land Used Primarily for Religious Activities

A Conditional Use may be granted in the RC and RR Districts, on properties that are not ALPP purchased or dedicated easement properties, and in the R-ED, R-20, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, R-APT, R-MH, or R-VH Districts for structures and land used primarily for religious activities provided that:

- a. The minimum lot size in the RC and RR Districts is three acres and the minimum lot size in the other districts is one acre, however, existing religious facilities previously approved as a Special Exception or a Conditional Use are exempted from this requirement. Lot coverage shall not exceed 25% of the lot area.
- b. Structures may be erected to a greater height than permitted in the district in which it is located, provided that the front, side and rear setbacks shall be increased one foot for each foot by which such structure exceeds the height limitation.
- c. The access to the facility shall not be on a driveway or private road shared with other uses.
- d. The Hearing Authority may approve parking facilities which are accessory to a religious facility, and are located on a separate lot, but do not meet the location requirements of Section 133.0.B.4.d of the parking regulations by being separated from the religious facility by a public street, if the Hearing Authority finds that the accessory parking facility complies with the following criteria:
 - (a) The accessory parking facility is not separated from the lot containing the principal use by an arterial highway of any category.
 - (b) A pedestrian street crossing connecting the accessory parking facility lot to the principal use lot is provided and is made clearly noticeable to drivers by means of both pavement marking and signs
 - (c) The pedestrian street crossing is safe, based upon such factors as, but not limited to: traffic volume at the times(s) of the use of the accessory parking facility; practical traffic speeds; sight distance; length of the crossing; and adequate markings and signage.
 - (d) The entire pedestrian pathway from the accessory parking facility to the principal religious facility is a durable, paved, no-step path.

Section 131.0.N.[[43]]42. Residential/Commercial Buildings

- a. A Conditional Use may be granted in the POR, B-1 and B-2 Districts in the planned public water and sewer service area for residential/commercial buildings, provided that:
 - (1) The site is at least 5 acres but not more than 15 acres.
 - (2) Two square feet of residential space is permitted for each square foot of commercial space and must be located within the same structure.
 - (3) All residential units shall be located above the first floor.
 - (4) Appropriate landscape buffering from adjacent land-uses shall be provided.
 - (5) Proposed residential/commercial buildings shall be compatible with on- and off-site commercial development.
- b. A Conditional Use may be granted in the B-1 and B-2 Districts located outside of the planned public water and sewer service area for residential/commercial buildings, provided that:
 - (1) The site is at least 1 acre but not more than 5 acres.
 - (2) Two square feet of residential space is permitted for each square foot of commercial space and must be located within the same structure.

- (3) All residential units shall be located above the first floor.
- (4) Appropriate landscape buffering from adjacent land-uses shall be provided.
- (5) Proposed residential/commercial buildings shall be compatible with on- and off-site commercial development.

Section 131.0.N.43. Retreat Center

A Conditional Use may be granted in the RC and RR Districts, on properties that are not on ALPP purchased or dedicated easement properties, and in the R-ED or R-20 Districts for a retreat center provided that:

- a. The minimum lot area shall be six acres.
- b. A buffer area at least 50 feet wide shall be maintained between structures or uses and adjacent residentially-zoned land other than a public road right-of-way.
- c. Adequate landscaping or other acceptable forms of buffering shall be provided to screen all parking and, if appropriate, structures and outdoor activity areas from residential properties.
- d. No retail or wholesale sales of any kind shall be permitted.
- e. All parking shall be located on site.
- f. The types of principal and accessory uses and the level of activity on the site are specified including but not limited to the frequency and length of meetings or events, the maximum number of day and overnight guests, and uses of outdoor areas.
- g. The design of new structures or additions to existing structures will be compatible in scale and character with residential development in the vicinity, as demonstrated by architectural elevations or renderings submitted with the petition.
- h. The access to the facility shall not be on a driveway or private road shared with other uses.

Section 131.0.N.44. Rubble Landfill and Land Clearing Debris Landfill Facilities

A Conditional Use may be granted in the M-1 District (or in any other district with respect to land which has been previously mined or excavated pursuant to the grant of a Conditional Use specifically for quarrying or excavations for sand, rock, stone and minerals uses) for a land clearing debris landfill facility or rubble landfill facility, provided that:

- a. Only non-hazardous material shall be received for disposal on the site.
- b. The waste materials which may be accepted at the rubble fill facility, unless specifically prohibited by the Hearing Authority, are:
 - (1) Land Clearing Debris, as defined in these Regulations.
 - (2) Demolition Debris—The types of demolition debris that may be accepted for disposal are as follows:
 - a) Acceptable demolition debris associated with the razing of buildings, roads, bridges, and other structures includes structural steel, concrete, bricks (excluding refractory type), lumber, plaster and plasterboard, insulation material, cement shingles and roofing material, floor and wall tile, asphalt, pipes and wires, and other items physically attached to the structure,

including appliances if they have been or will be compacted to their smallest practical volume.

- b) Unacceptable demolition debris includes industrial waste or byproducts, any waste materials contained within the structure or on the grounds of the structure being demolished that are not physically part of the structure, or which are comprised of or contain materials that pose an undue risk to public health or the environment.

(3) Construction Debris—The types of construction debris that may be accepted for disposal are as follows:

- a) Acceptable construction debris is structural building materials including cement, concrete, bricks (excluding refractory type), lumber, plaster and plasterboard, insulation, shingles, floor, wall and ceiling tile, pipes, glass, wires, carpet, wallpaper, roofing, felt, or other structural fabrics. Paper or cardboard packaging, spacing, or building materials, provided that they do not exceed 10% by volume of the waste, may be accepted at the rubble landfill. Paint containers, caulk containers, or glaze containers, provided that they are empty, and any residual material which is dried before acceptance at the rubble fill, and further provided that this waste category does not exceed 1% by volume of the waste accepted at the rubble fill.
- b) Unacceptable construction debris includes commercial, domestic, or industrial wastes or by-products, paint, tar or tar containers, caulking compounds, glazing compounds, paint thinner or other solvents or their containers, creosote or other preservatives or their containers, tile, paneling, or carpet cement or other adhesives, and other solid waste which may contain an unacceptable waste or substance as may be determined by the approving authority to be unacceptable.

(4) Tires, asbestos waste and appliances may be accepted for disposal in accordance with the requirements of the State of Maryland Department of the Environment for proper disposal of these materials.

- c. The waste materials which may be accepted at the land clearing debris fill facility are restricted to land clearing debris as defined in these Regulations.
- d. The Hearing Authority may further limit the waste materials which may be accepted at or disposed of in a land clearing debris landfill facility or a rubble landfill facility upon a finding of a specific adverse effect associated with the acceptance or disposal of such waste materials on the proposed site. The Hearing Authority shall approve the method by which unacceptable materials, which are delivered to the site, will be segregated and handled for final removal and disposal.
- e. In addition to all other required setbacks, the following use setbacks shall apply, except for landfill facilities on permitted quarry sites, in which case the Hearing Authority shall establish setback requirements on a case-by-case basis:
 - (1) From an existing residence on a different lot500 feet
 - (2) From adjacent residentially zoned lots300 feet

(3) From public street and utility rights-of-way100 feet

(4) From existing streams and wetlands100 feet

The approved portion of the tract shall have a surrounding landscaped buffer at least 100 feet wide which shall be retained in its existing topographic condition and undisturbed by excavation or fill. The buffer area shall not be used for any purpose except planting, fencing and roads for ingress and egress to the tract. In the event that the provision of a 100-foot buffer is not feasible, the applicant shall provide for alternative means of buffering in concert with a Site Development Plan. Within the approved portion of the tract, all land within 50 feet of a stream or wetland shall be retained in its existing topographic condition and undisturbed by excavation or fill.

- f. Existing trees and ground cover along public road frontage and lot lines shall be preserved, maintained and supplemented by selective cutting, transplanting, and addition of new trees, shrubs and ground cover.
- g. The height of structures and any man-made land forms may be limited by the Hearing Authority.
- h. Equipment for washing, sorting, crushing, grinding, loading, unloading, spreading, weighing, screening, sizing or other operations associated with a land clearing debris landfill facility or a rubble landfill facility shall not be located within one hundred feet of a property line. Sedimentation ponds shall not normally be located closer than 300 feet from a property line. However, the Hearing Authority may permit sedimentation ponds to be closer than 300 feet, but not closer than 100 feet from a property line, if the applicant demonstrates the topographic necessity of such a location and that sufficient safeguards will be provided for the protection of neighboring residents and uses.
- i. All operations shall be conducted in a safe and environmentally sound manner with respect to the likelihood of hazard to persons or damage to lands, natural resources, improvements, streets, bridges, or public rights-of-way as a result of the development or operation of the facility.
- j. Any area under excavation shall be maintained in a thoroughly drained condition. Fill areas shall be maintained at all times by burial of material received for disposal.
- k. Operation hours for excavation, processing and filling operations shall be restricted to between 7:00 a.m. and 6:00 p.m. No operation shall be permitted on Sundays except emergency repairs to equipment and the fill site.
- l. The Conditional Use plan submitted with the Conditional Use application shall show the following:
 - (1) Setback and buffer area, including type of screening and fencing;
 - (2) Portion of tract, if any, actually being excavated, and proposed fill areas;
 - (3) Portion of tract, separate from fill areas, to be used for recycling operations including areas for unloading, storage, processing, and loading.
 - (4) Existing and proposed structures and major mechanical equipment;
 - (5) Existing and proposed access roads;
 - (6) Water supply and sewage disposal including any liquid waste generated by processing and filling operations;
 - (7) Stockpile area;

- (8) Other uses and their extent on the property;
- (9) Existing or proposed points of access to the site and provisions to control unauthorized entry to the site along the entire perimeter;
- (10) Areas to be used for rubble and/or land clearing debris disposal shall be identified either as non-buildable areas or as future building sites;
- (11) Survey boundaries of the subject property and proposed operation based on the Maryland State Plane Coordinate System;
- (12) A road condition study to determine the adequacy of the structural elements serving the site for truck traffic to be generated by the landfill;
- (13) A noise, litter and dust control plan;
- (14) Storm water management facilities for quantity and quality control;
- (15) The length of time the facility is expected to be in operation.

m. Rehabilitation Plan

A rehabilitation plan at a scale of 1" = 200' shall be submitted with the Conditional Use application for all areas to be filled with land clearing debris or rubble or used for processing and recycling operations. A rehabilitation contour plan showing contour intervals of two feet shall be included, indicating the general grades and slopes to which excavated or filled areas are to be graded. A description of the methods and materials proposed for rehabilitation to top cover shall be specified. No rehabilitation plan shall be approved unless it provides for the following minimum rehabilitation program:

- (1) Regrading—All disturbed land shall be regraded so that no slope exceeds a maximum of 50% grade.
- (2) Landscaping, Erosion, Backfilling—All piles of disturbed earth or material resulting from the excavating or filling operation shall be graded to a smooth contour to control erosion and to prevent ponding and undrained water pockets. The disturbed area shall be graded, covered with suitable soil to sustain growth, and then vegetatively stabilized using a perennial cover species as recommended by the County Soil Conservation District.
- (3) Removal of Machinery and Structures—All machinery and structures shall be completely removed and underlying excavations filled to grade, except structures or machinery that are to be continued in operation for a use permitted under the zoning classification.
- (4) Access Roads—Upon the abandonment of filling operations on any site or portion thereof in the area covered by a Conditional Use approved under this section, all access roads shall be suitably barricaded to prevent the passage of vehicles either into or out of the abandoned area, except such access as needed for vehicles engaged in rehabilitation work, until the plan for rehabilitation has been completed and other use necessitating access has been commenced on the property.

Section 131.0.N.45. Sawmills, Bulk Firewood Processing, Mulch Manufacture, or Soil Processing

A Conditional Use may be granted in the RC or RR Districts for sawmills, bulk firewood processing, mulch manufacture, or soil processing provided that:

- a. Buildings and structures used for processing activities, equipment and outdoor uses associated with the operation shall be at least 500 feet from existing residences on different lots and at least 300 feet from property lines. Buildings or structures which are principally used for storage and which are not used for processing activities shall be at least 100 feet from property lines.
- b. All required State and Federal permits have been obtained. The hearing authority, as a condition of approval, may impose requirements which are more stringent than the requirements of the State and Federal permits.
- c. Parking, storage areas and equipment shall be screened from adjoining properties and public roads by landscaping or other appropriate means.
- d. Hours of operation shall be established by the Hearing Authority.
- e. Retail sales of materials produced on-site may be permitted if specifically approved by the Hearing Authority.
- f. The minimum lot size is 10 acres.
- g. The vehicular access to the use shall be from an arterial OR collector highway and not from a local road unless authorized by the Hearing Examiner.
- h. On an Agricultural Land Preservation easement property, sawmills and bulk firewood processing are permitted with the following required additional criteria:
 - (1) The use shall not interfere with farming operations or limit future farming production.
 - (2) Any new building or building addition associated with the use, including any outdoor storage and parking area shall count towards the cumulative use cap of the easement.

Section 131.0.N.46. School Buses, Commercial Service

A Conditional Use may be granted in the RC, RR, R-20 or R-12 Districts for commercial school bus service businesses, as defined in these Regulations, provided that:

- a. All vehicles parked or stored outside of a building shall be screened from adjoining properties;
- b. No vehicles shall be parked or stored within the structure or use setback requirements of the district in which they are located;
- c. Any parking spaces occupied by such vehicles shall be provided in addition to all other required parking spaces;
- d. Only minor repairs to such vehicles shall be permitted and such minor repairs may only be done in a building. In no case shall body work, engine rebuilding, engine reconditioning or collision services be permitted;
- e. The storage or parking of the number of vehicles registered as school buses on lots or parcels in the RC, RR, R-20 and R-12 Districts on the effective date of this amendment (Zoning Board Case 715, effective July 25, 1978) shall be deemed valid nonconforming uses in those districts.
- f. The minimum lot size in the RC and RR Districts for a new commercial school bus service business is three acres. The minimum lot size in the R-20 and R-12 Districts for a new commercial school bus service business is one acre. An existing commercial school bus service business is not required to comply with this criteria.
- g. For a new commercial school bus service business, the area used for vehicle parking shall be at least 200 feet from an existing dwelling on a different

lot. An existing commercial school bus service business is not required to comply with this criteria.

- h. On an ALPP purchased or dedicated easement property, the following additional criteria are required:
 - (1) The use shall not interfere with farming operations or limit future farming production.
 - (2) The use shall operate within a one-half acre area specified on the Conditional Use plan.
 - (3) Any parking areas shall count towards the cumulative use cap of 2% of the easement.

Section 131.0.N.47. Schools, Colleges, Universities—Private (Academic)

A Conditional Use may be granted in the RC and RR Districts, on properties that are not ALPP purchased or dedicated easement properties, and in the R-20, R-ED, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, R-APT, R-MH, or R-VH Districts for private academic schools, colleges and universities, (not including nursery schools) provided that:

- a. The maximum density permitted is 60 pupils per acre for lots less than three acres, and 100 pupils per acre for lots three acres or greater.
- b. In addition to meeting the minimum area requirements above, schools with residence accommodations shall provide an additional 500 square feet of lot area per site resident. Residents shall include students, staff members, caretakers and their families who reside on the site.
- c. A private school may be erected to a greater height than permitted in the respective district, provided that no structure is more than three stories in height and the front, side and rear setbacks shall be increased two feet for each foot by which such structure exceeds the height limitation.
- d. Sufficient off-street school bus loading areas shall be provided if bus service is provided for students.
- e. Outdoor uses will be located and designed to shield residential property from noise or nuisance. Play areas, athletic fields and similar uses shall be buffered from residential properties by fencing, landscaping, adequate distance or other appropriate means.
- f. Buildings, parking areas and outdoor activity areas will be at least 50 feet from adjoining residentially-zoned properties other than a public road right-of-way.
- g. At least 20% of the area within the building envelope will be green space, not used for buildings, parking area or driveways. The building envelope is formed by the required structure setbacks from property lines and public street rights-of-way.
- h. The site has frontage on and direct access to a collector or arterial road designated in the General Plan, except that expansions of a Conditional Use that was approved prior to July 12, 2001 are permitted.
- i. The minimum lot size in the RC and RR Districts for a new private academic facility is three acres. The minimum lot size in the R-20, R-ED, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, R-APT, R-MH, or R-VH Districts for a new private academic facility is one acre. An existing private academic facility is not required to comply with this criteria.

Section 131.0.N.48. Shooting Ranges—Outdoor Rifle, Pistol, Skeet and Trap

A Conditional Use may be granted in the RC District, on properties that are not ALPP purchased or dedicated easement properties for shooting ranges, provided that:

- a. Discharging of firearms shall not be permitted within 500 feet of any property line.
- b. Such range is constructed in such a manner as to eliminate all danger to persons or property from flying projectiles. The area between the firing point and target shall be baffled, fenced or otherwise shielded so that fired projectiles cannot escape the range area. Safety design should be in accordance with accepted standards and practices.
- c. A minimum lot area of 75 acres is provided for all rifle and pistol ranges. A minimum of 25 acres shall be provided for all skeet and trap shooting ranges.
- d. The manner and times of operation, the design of the range and the topographic features of the site shall be such that noise and activity from the use will not disturb neighboring residential uses.
- e. The applicant shall demonstrate that the use complies with the requirements of the Department of Inspections, Licenses and Permits for such uses.
- f. The Hearing Authority shall set the days and hours of operation.

Section 131.0.N.49. Small Wind Energy Systems, Building Mounted

A Conditional Use may be granted in the R-ED, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, and R-APT Districts for building mounted small wind energy systems as defined in these Regulations, provided:

- a. The systems shall be primarily intended to reduce the on-site consumption of utility power.
- b. The systems are permitted only on the principal structure.
- c. The systems shall be located on the roof or sides of a structure that are at least 25 feet in height.
- d. The systems shall comply with the principal building setbacks.
- e. The height of the system shall not extend more than 15 feet above the ridge of the highest roof section.
- f. In the R-ED and R-SC Districts, systems are only permitted on single-family attached dwellings.
- g. In the R-12 District, systems are only permitted on semi-detached dwellings.
- h. Only one system per lot is permitted on properties less than 3 acres in area.
- i. Only one system is permitted per building side on properties 3 acres or greater in area.
- j. The systems shall not exceed 60 DBA, as measured at all lot lines. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.
- k. All systems shall be gray or a similar color that minimizes visibility.
- l. No exterior lighting is permitted.
- m. The systems shall comply with all applicable local, state, and federal laws and provisions.
- n. Meteorological towers, solely for the measurement of wind, temporary or otherwise, are not permitted

- o. A system that is no longer used shall be removed from the site within one year of the date that the use ceases.

Section 131.0.N.50. Small Wind Energy Systems, Freestanding Tower

A Conditional Use may be granted in the R-ED, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, and R-APT Districts for building mounted small wind energy systems as defined in these Regulations, provided:

- a. The systems shall be primarily intended to reduce the on-site consumption of utility power.
- b. Maximum height for tower mounted systems, including blades, shall not exceed 60 feet from grade. However, on farms greater than 25 acres the maximum height for tower mounted systems, including blades, shall not exceed 120 feet from grade.
- c. The minimum lot size shall be at least 2 acres, except in the R-ED District where the minimum lot size shall be 5 acres.
- d. The system shall not be located within the front yard between the principal structure and the front property line.
- e. The minimum setback for a system shall equal its total height, plus 10% from any property line.
- f. The systems shall not exceed 60 DBA, as measured at all lot lines. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.
- g. Temporary meteorological towers, solely for the measurement of wind, are permitted for an initial period not to exceed 90 days, provided they meet the height and setback requirements of this section and achieve a Temporary Use permit in accordance with Section 132.0, except that there shall be no further extensions of, or new petition for, a Temporary Use permit which has already been extended to the one year limit.
- h. The blade of any wind turbine shall, at its lowest point, have a ground clearance of no less than 15 feet, as measured at the lowest point of the arc of the blades.
- i. No other equipment unrelated to the operation of the system shall be attached to the structure.
- j. No exterior lighting is permitted, unless required by the Federal Aviation Administration.
- k. The system shall comply with all applicable local, state, and federal laws and provisions.
- l. A system that is no longer used shall be removed from the site within one year of the date that use ceases.
- m. On an ALPP purchased or dedicated easement property, the following additional criteria are required.
 - (1) The use shall not interfere with farming operations or limit future farming production.
 - (2) Any new building addition associated with the use, including any outdoor storage and parking area shall count towards the cumulative use cap of 2% of the easement.

Section 131.0.N.51. Solar Collector Facility, Commercial Ground-Mount

A Conditional Use may be granted in the RC, RR District for a commercial ground-mount solar collector facility, provided that:

- a. The parcel on which the commercial ground-mount solar collector facility is proposed must be a minimum of 10 acres in size. The maximum size of a solar facility shall be 75 acres notwithstanding the size of the parcel. However, on parcels which are in the Agricultural Land Preservation Program, the maximum size shall be 16 acres or 20% of the property, whichever is less.

However, a ground-mount solar collector facility on an Agricultural Preservation Parcel can be increased to a maximum of 34% of the parcel by the Hearing Authority if the Hearing Authority finds that the use shall not interfere with farming operations or limit future farming production. The Hearing Authority shall consider the following:

- (1) A. At least 60% of the acreage outside of the ground-mount solar collector facility area is viable for a farm operation, inclusive of farm buildings needed for the farm operation; and
 - B. The remaining soils capability are more than 50% USDA Classes I—III and more than 66% USDA Classes I—IV or;
 - (2) The additional acreage above the allowable 20% for the CSF is unsuitable for farming.
- b. All structures and uses must meet a minimum 50 foot setback from all property lines.
- c. No structure or use may be more than 20 feet in height.
- d. A 'Type D' landscaping buffer must be provided around the perimeter of the proposed commercial ground-mount solar collector facility unless the Hearing Authority determines that an alternative buffer is sufficient.
- e. All security fencing must be located between the landscaping buffer and the commercial ground-mount solar collector facility.
- f. The systems shall comply with all applicable local, state, and federal laws and provisions.
- g. A commercial ground-mount solar collector facility that is no longer used shall be removed from the site within 6 months of the date that the use ceases. The Property Owner shall secure this obligation by maintaining a bond, escrow, or other form of security, in an amount equal to the estimated future cost of removal, that is acceptable to the Director of Finance.
- h. The premises shall be maintained at all times in a clean and orderly condition, including the care or replacement of plant materials required in the landscaping plan. The responsibility for compliance with this provision shall be with all parties having a lease or ownership interest in the commercial ground-mount solar collector facility. The applicant shall provide the Hearing Authority with details regarding maintenance and access for the site.
- i. The applicant shall agree to register all solar collectors with the Department of Fire and Rescue Services. The registration shall include a map of the solar facility noting the location of the solar collectors and the panel disconnect.
- j. Tree removal shall be minimized and reforestation shall be done in accordance with Section 16.1026 of the Howard County Code.
- k. Scenic Views.

- (1) The applicant shall demonstrate that the solar facility does not harm the scenic characteristics of the view of or from:
 - A. A public park;
 - B. A national or state designated scenic byway;
 - C. A road listed in the Scenic Roads Inventory adopted under Section 16.1403 of the Howard County Code; or
 - D. A historic structure as defined in Section 16.601 of the Howard County Code.
- (2) Visual Impact Analysis Required to Demonstrate Minimal Impact to or from Scenic Views
 - A. The Conditional Use petition shall include a visual impact analysis mapping all viewshed impacts and any proposed mitigation. This analysis shall include mapped visual impact assessments of all important or critical viewpoints or elevations from which the solar facility can be seen from a fixed vantage point. For purposes of this subsection, A viewshed is a topographically defined area including all critical observation points from which the solar facility is viewed.
 - B. If the visual impact assessment as mapped particularly interferes with and compromises critical observation points within the viewshed that warrant viewshed protection, the petitioner shall mitigate the view through additional landscaping or other forms of mitigation, including reconfiguration of the solar panels, or as may be required by the Hearing Authority.
 - C. Fencing along road frontage or the perimeters of the commercial ground-mount solar collector facility site where the fencing would be visible shall be constructed of a material and design consistent with the character of the roadway or area.
 - D. The petition shall include a landscape plan.
- I. The Howard County Agricultural Preservation Board shall review any Conditional Use petition which proposes to build a new commercial ground-mount solar collector facility on parcels which are in the Agricultural Land Preservation Program prior to approval by the Hearing Authority, using a two-step review process, in the following manner:
 - (1) Prior to scheduling and convening a presubmission community meeting pursuant to Howard County Zoning Regulations Section 131.0.f.1, the petitioner shall submit a proposed concept plan for a commercial ground-mount solar collector facility on a parcel or parcels in the Agricultural Land Preservation Program to the Howard County Agricultural Preservation Board for advisory review as to whether the siting of the commercial ground-mount solar collector facility on the parcel or parcels supports the primary agricultural purpose of the easement property or is an ancillary business which supports the economic viability of the farm.
 - A. Preliminary review: The Agricultural Preservation Board shall conduct a preliminary review of a concept plan to review the placement of the proposed facility and the remaining soil capability. The materials

submitted for the preliminary review shall include, at a minimum, a letter signed by the property owner requesting the commercial ground-mount solar collector facility, a concept plan depicting proposed locations for the facility and a soil classification analysis, consistent with the provisions of the Agricultural Preservation Board's commercial Solar Facilities Policy. The Concept Plan should show at least two potential placements of the CSF on the property to allow the APB an opportunity to advise on the best placement of the solar facility to minimize negative impacts on the farming operation.

- B. Final Review: The materials submitted for final review shall include, at a minimum, a copy of the Agricultural Land Preservation Program easement, a copy of the Howard County Soil Conservation and Water Quality Plan, and a copy of the proposed final concept plan.
 - (2) The Board's advisory review shall be in writing.
 - (3) The petitioner shall make the Board's advisory review available at the presubmission community meeting.
 - (4) The Department of Planning and Zoning's Technical Staff Report on the petition shall include an evaluation of and a recommendation on the Board's advisory review of the petition and shall include as attachments the Board's advisory review and a copy of the Agricultural Preservation Easement.
- m. Subject to Section 106 of these regulations, the property on which an approved commercial ground-mount solar collector facility is located is eligible to be a sending parcel provided that one density right is retained for the conditional use until the commercial ground-mount solar collector facility is removed.
- n. For ground-mount solar collector facilities on agriculture preservation parcels, the area used for the ground-mount solar collectors must also be used for pollinator or native grass habitats, grazing for livestock such as sheep, crop production under or directly adjacent to the installation such as edible landscape barriers or tree crops, or other agricultural or ecologically enhancing alternative that the applicant proposes and the hearing authority finds to be harmonious with the purposes of the Agricultural Land Preservation Program.
- o. Regulations for Solar Collector Facility, Commercial Ground-Mount
A solar collector or combination of solar collectors shall be designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard. The petitioner or applicant shall provide to the Department of Planning and Zoning a glare study or other certification or assurance acceptable to the Department that the solar collectors are designed, manufactured, and will be installed:
 - A. To eliminate glare;
 - B. To ensure that glare will not be reflected onto nearby buildings or roadways;
 - or
 - C. With anti-reflective coatings or light-trapping technologies.

Section 131.0.N.52. Spa, Country

A Conditional Use may be granted in the RC and RR Districts, on properties that are not ALPP purchased or dedicated easement properties, for a country spa provided that:

- a. The facility shall principally have the purpose of providing health and wellness services to individuals and groups. Documentation shall establish that the proposed facility generally is "...devoted to overall well-being through a variety of professional services that encourage the renewal of mind, body and spirit."
- b. The minimum lot area shall be 20 acres.
- c. A buffer area at least 50 feet wide shall be maintained between structures or uses and adjacent residentially-zoned land other than a public road right-of-way.
- d. Adequate landscaping or other acceptable forms of buffering shall be provided to screen all parking and, if appropriate, structures and outdoor activity areas from residential properties.
- e. All parking shall be located on site.
- f. The types of principal and accessory uses and the level of activity on the site are specified including, but not limited to, the maximum number of day and overnight guests, and uses of outdoor areas.
- g. The design of new structures or additions to existing structures will be compatible in character with the rural character in the vicinity, as demonstrated by architectural elevations or renderings submitted with the petition.
- h. The access to the facility shall not be on a driveway or private road shared with other off-site residential uses.

[[Section 131.0.N.53. Two-family Dwellings and Accessory Apartments]]

[[A Conditional Use may be granted for two-family dwellings or accessory apartments in the following districts, provided that any new structures or additions will be designed to be compatible in scale and character with the surrounding residential neighborhood. Compatibility of character may be in architectural style, materials or details. Compatibility shall be demonstrated by architectural elevations or renderings submitted with the petition.

- a. Two-family dwellings: in the RC and RR Districts, on properties that are not ALPP purchased or dedicated easement properties, and in the R-ED, R-20 or R-12 Districts, provided that the two-family dwelling is on an individual lot, with only one two-family dwelling permitted on one lot, and the lot is an existing recorded lot at the time of the Conditional Use application. The minimum lot size shall be at least 16,000 square-feet for two-family dwelling structures in the R-ED and R-12 Districts.
- b. [[Accessory apartments: on lots of less than 12,000 square feet in the R-ED, R-20, R-12 and R-SC Districts. (On lots of 12,000 square feet or larger, this is a permitted use in these districts).]]

Section 133.0.D Minimum Parking Requirements for Specific Uses

In the following text, "sf" refers to gross square feet of floor area unless net floor area is approved by the Department of Planning and Zoning. "DPZ" refers to the Department of Planning and Zoning. The parking for multiple uses shall be calculated cumulatively unless otherwise noted or unless approved in accordance with Section 133.0.F.

1. Accessory Uses to Residences

The following parking requirements for accessory uses shall be provided in addition to the required parking for the principal residence:

a. [[Accessory apartment]] ACCESSORY DWELLING UNIT	1.0 per [[apartment]] ACCESSORY DWELLING UNIT
b. Home-based contractors	1.0 space per nonresident employee working on the premises at the time of peak usage, plus 1.0 space for each visitor potentially present at the time of peak usage.
c. Housing by a resident of one to eight persons who are physically or mentally disabled or 62 years or age or older	One or two persons (other than family members): no spaces; 3 to 5 persons (other than family members): 1.0 space; 6 to 8 persons (other than family members) 2.0 spaces



Howard County Maryland
Department of Planning and Zoning
 3430 Courthouse Drive, Ellicott City, MD 21043

dpzzoning@howardcountymd.gov (410) 313-2350


ZONING PETITION AFFIDAVIT

Petitioner Name: Lynda Eisenberg, Director, Planning and Zoning
 Property Address: _____
 Zoning Petition Type: Zoning Regulation Amendment

Affidavit made pursuant to the pertinent provisions of Title 22 of the Howard County Code as amended.

The undersigned does hereby declare that no officer or employee of Howard County, whether elected or appointed, has received prior hereto or will receive subsequent hereto, any monetary or material consideration, any service or thing of value, directly or indirectly, upon more favorable terms than those granted to the public generally in connection with the submission, processing, issuance, grant or award of the attached application for a zoning petition as requested for the property referenced above.

I we, do solemnly declare and affirm under the penalties of perjury that the contents of the foregoing affidavit are true and correct to the best of my, our, knowledge, information and belief.

Lynda Eisenberg _____ Petitioner Name	DocuSigned by:  DE9E18E4B5B1444... _____ Signature	9/4/2025 _____ Date
---	---	---------------------------

_____ Witness Name	_____ Signature	_____ Date
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_____ Witness Name	_____ Signature	_____ Date
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This Affidavit must be signed, scanned and uploaded through the ProjectDox Zoning Petition Application process at <https://howard-md-us.avolvecloud.com/ProjectDox/>

For more information or questions, contact DPZ at (410) 313-2350.



Howard County Maryland
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AFFIDAVIT AND DISCLOSURE OF CONTRIBUTION

For Petitions to Amend the Zoning Regulations, Zoning Maps and Preliminary Develop Plans of Howard County

Zoning Matter: Zoning Regulation Amendment

AFFIDAVIT AS TO CONTRIBUTIONS TO CANDIDATES AND BUSINESS ENGAGEMENTS WITH ELECTED OFFICIALS

As required by the Maryland Public Ethics Law Annotated Code of Maryland, General
Provisions Article Sections 5-852 through 5-854

ALL BOLDDED TERMS ARE DEFINED BY SECTION 5-852 MARK EACH PARAGRAPH AS
APPLICABLE

1. I, Lynda Eisenberg, the **Applicant** filing an **Application** in the above zoning matter, to the best of my information, knowledge, and belief ☐ HAVE / ☒ HAVE NOT made a **Contribution** or contributions having a cumulative value of \$500 or more to the treasurer of a **Candidate** or the treasurer of a **Political Committee** during the 48-month period before the **Application** was filed; and I ☐ AM / ☒ AM NOT currently **Engaging in Business** with an **Elected Official**.
2. I, the ☒ **Applicant** or a ☐ **Party of Record** in the above referenced zoning matter, acknowledge and affirm that, if I or my **Family Member** has made a **Contribution** or contributions having a cumulative total of \$500 or more during the 48-month period before the **Application** was filed or during the pendency of the **Application**, I will file a disclosure providing the name of the **Candidate** or **Elected Official** to whose treasurer or **Political Committee** the **Contribution** was made, the amount, and the date of the **Contribution**; and that a **Contribution** made between the filing and the disposition of the **Application** will be disclosed within 5 business days after the **Contribution**.

3. I, the ☒ **Applicant**, acknowledge and affirm that, if I begin **Engaging in Business** with an **Elected Official** between the filing and the disposition of the **Application**, I will file this Affidavit at the time of **Engaging in Business** with the **Elected Official**.

I SOLEMNLY AFFIRM UNDER THE PENALTIES OF PERJURY and upon personal knowledge that the contents of this Affidavit are true.

Lynda Eisenberg

(Print Full Name)

DocuSigned by:
Lynda Eisenberg
DE9E18E4B5B1444...

(Sign full name & indicate legal capacity, if applicable)

9/4/2025

Date

Zoning Matter: _____

DISCLOSURE OF CONTRIBUTION

As required by the Maryland Public Ethics Law Annotated Code of Maryland, General Provisions Article Sections 5-852 through 5-854

ALL BOLDED TERMS ARE DEFINED BY SECTION 5-852

If the **Applicant** or a **Party of Record** or their **Family Member** has made a **Contribution** or contributions having a cumulative value of \$500 or more during the 48-month period before the **Application** is filed or during the pendency of the **Application**, the **Applicant** or the **Party of Record** must file this disclosure providing the name of the **Candidate** or **Elected Official** to whose treasurer or **Political Committee** the **Contribution** was made, the amount, and the date of the **Contribution**.

For a **Contribution** made during the 48-month period before the **Application** is filed, the **Applicant** must file this disclosure when they file their **Application**, and a **Party of Record** must file this disclosure within 2 weeks after entering the above zoning matter.

A **Contribution** made between the filing and the disposition of the **Application** must be disclosed within 5 business days after the **Contribution**.

Any person who knowingly and willfully violates Sections 5-852 through 5-854 of the General Provisions Article of the Annotated Code of Maryland is subject to a fine of not more than \$5,000. If the person is not an individual, each officer and partner who knowingly authorized or participated in the violation is subject to the same penalty.

Applicant or Party of Record: _____
(Print Full Name)

RECIPIENTS OF CONTRIBUTIONS:

NAME	DATE	AMOUNT

I acknowledge and affirm that any **Contribution** I make between the filing of this disclosure and the disposition of the **Application** must be disclosed within 5 business days of the **Contribution**.

(Print Full Name)

(Sign full name & indicate legal
capacity, if applicable)

Date

This Affidavit must be signed, scanned and uploaded through the ProjectDox Zoning Petition Application process at <https://howard-md-us.avolvecloud.com/ProjectDox/>

For more information or questions, contact DPZ at (410) 313-2350.



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Lynda D. Eisenberg, AICP, Director

FAX 410-313-3467

TECHNICAL STAFF REPORT

Planning Board Meeting of October 16, 2025

Case No./Petitioner: ZRA-218; Department of Planning and Zoning

Request: The purpose of this Zoning Regulation Amendment (ZRA) is to implement the State Law (HB-1466) regarding Accessory Dwelling Units and align them with the broader goals of Howard County's General Plan, HoCo By Design, and the County's Housing Opportunities Master Plan. The ZRA includes:

- Rename Accessory Apartments to *Accessory Dwelling Unit*
- Add a definition of Accessory Dwelling Unit
- Amend the definitions of Density, Dwelling Unit and Kitchen
- Remove the definitions for Dwelling, Accessory Apartment; and Dwelling, Temporary Accessory Family
- Amend the Accessory Dwelling Unit accessory uses in the R-ED, R-20, R-12, R-SC, R-SA-8 & PGCC districts to remove the requirements for a minimum lot size, maximum number of bedrooms and external design requirements.
- Amend the Uses Permitted as a Matter of Right in the RC, RR, R-ED, R-20, and R-12 districts to permit one two-family dwelling unit per lot. Impose a 16,000 square foot minimum lot size requirement for two-family dwellings in the R-ED and R-12 districts
- Remove two-family dwellings, accessory apartments and multi-plex dwellings as a conditional use within County Preservation Easements
- Add an Accessory Dwelling Unit as a permitted Accessory Use in the R-H-ED, R-A-15, R-APT, R-MH, HO, HC, TOD, CAC, and TNC districts
- Exempt an Accessory Dwelling Unit from the accessory structure lot coverage requirements for lots developed with a single-family detached dwelling
- Amend the restrictions for detached accessory structures on lots developed with a single-family detached dwelling
- Amend the supplemental zoning regulations for an Accessory Dwelling Unit
- Remove the lot size restriction for an Accessory Dwelling Unit in Traditional Residential Neighborhoods
- Remove the Conditional Use for Dwelling, Temporary Accessory Family; and Two-Family Dwellings and Accessory Apartments

I. BACKGROUND AND HISTORY OF EXISTING ZONING REGULATIONS

Accessory Apartments:

Accessory Apartments were first introduced in the Zoning Regulations with Zoning Board Case, ZB-928, approved September 18, 1992. This ZB case defined Accessory Apartments and specified the zoning districts where the use was permitted as an accessory use. ZRA-13, effective December 8, 1997, amended the definition for Accessory Apartments and imposed additional criteria. During the 2013 Comprehensive Zoning Plan (current Regulations), the definition for Accessory Apartments was amended and imposed additional regulations such as size limitations, connectivity and permit approval requirements. This ZRA proposes to rename Accessory Apartments to Accessory Dwelling Unit. The table below shows where Accessory Apartments are permitted in the current Zoning Regulations.

Use	Accessory Apartments
Zoning District*	RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, PGCC
Allowed on Preservation Easements	Yes
Minimum Lot Size	12,000 sf if zoned R-ED, R-20, R-12, R-SC, R-SA-8, PGCC
Permitted Use	Accessory or Conditional
Conditional Use Criteria	<ul style="list-style-type: none"> On lots less than 12,000 sf within R-ED, R-20, R-12, R-SC If Accessory Apartment exceeds 1,500 sf or more than 1/3 of the net floor area, a Two-Family Dwelling may be permissible in RC, RR, R-ED, R-20, R-12 as a Conditional Use, if approved by Hearing Examiner
Supplemental Approval Criterion	<ul style="list-style-type: none"> Must be in an owner-occupied dwelling Must share a common wall overlap of 50% if within an addition. Cannot be separated from principal dwelling by attached garage or breezeway Shall not occupy no more than 1/3 the net floor area of the building, up to 1,500 sf Shall operate only upon approval of a permit issued by DPZ
Required Parking	1 space per apartment

*The MXD (Mixed Use) district allows the accessory use provisions in the R-12 district, unless different accessory uses are indicated in the MXD Preliminary Development Plan.

*The NT (New Town) district allows the accessory use provisions in the R-SC district, except otherwise provided in the Final Development Plan.

Two-Family Dwellings:

Two-Family Dwellings were introduced during the 1953 Zoning Regulations and were called “Two family detached dwellings” which were permitted as a matter of right in the Rural Residential (R-R), Residential 1 (R-1), Residential 2 (R-2), Business 1 (B-1), Business 2 (B-2), Manufacturing 1 (M-1), and Manufacturing 2 (M-2) districts. During the 1961 Comprehensive Zoning, Two-Family Dwellings were permitted in the Residential, one and two family detached (R-90, R-40, R-20), Residential Garden Type Apartments (R-A-1), Residential Apartments (R-A-2), Tourist Accommodations – Motel (T-1), Tourist Accommodations – Trailer Park (T-2), Business Local (B-1), and Business General (B-2) districts. The regulations for Two-Family Dwellings remained unchanged until the 1971 General Plan which prohibited Two-Family Dwellings in the R-90, R-40, R-20 and R-16 zoning districts. The 2013 (current) Zoning Regulations permit Two-Family Dwellings only as a Conditional Use within the RR, RC, R-ED, R-20, or R-12 districts subject to additional requirements. The table below shows in the current code where Two-Family Dwellings are currently permitted as well as other additional regulations.

Use	Two Family Dwelling
Permitted As	Conditional Use subject to Hearing Examiner Approval
Zoning District	RC, RR, R-ED, R-12, R-20
Minimum Lot Size	16,000sf in R-ED and R-12 districts
Parking	Not Specified
Allowed in Preservation/ALPP	No
Criteria	<ul style="list-style-type: none"> • Must be on its own individual lot • Only 1 permitted per lot • Lot is an existing recorded lot at the time of Conditional Use Application

II. DESCRIPTION OF PROPOSAL

This section contains a summary of the Petitioner's proposed amendment. The Petitioner's proposed amendment text is attached as Exhibit A.

Sec. 103.0: Definitions

The Petitioner is proposing to amend the following definitions:

- Amend the definition of Accessory Apartments
 - Rename to *Accessory Dwelling Unit*
 - Amend the definition to state that an Accessory Dwelling Unit must be subordinate to the principal dwelling and located on a lot developed with a single-family detached, single-family attached, single-family semi-detached or a two-family dwelling unit.
 - Remove provisions that the accessory dwelling unit should be within an existing single-family detached dwelling
 - Remove reference to the definition of Two-Family Dwelling
- Rename Accessory Apartments to *Accessory Dwelling Units* in the definition of Density and Two-Family Dwelling
- Amend the definition of Dwelling Unit to copy the definition in HB-1466
 - Remove the provisions for *independent* living facilities and *permanent* provisions for living, sleeping, eating, cooking
 - Remove the limitation of 1 kitchen per dwelling unit
- Amend the definition of Kitchen

The Petitioner is proposing to remove the following definitions:

- Dwelling, Accessory Apartment
- Dwelling, Temporary Accessory Family

Sec. 104.0: Rural Conservation (RC) District

The Petitioner is proposing to add “One two-family dwelling unit per lot” as a use permitted as a matter of right and rename the Accessory Apartments accessory use to *Accessory Dwelling Unit*.

Sec. 105.0: Rural Residential (RR) District

The Petitioner is proposing to add “One two-family dwelling unit per lot” as a use permitted as a matter of right and rename the Accessory Apartments accessory use to *Accessory Dwelling Unit*.

Sec. 106.1: County Preservation Easements

The Petitioner is proposing to rename the Accessory Apartments accessory use to *Accessory Dwelling Unit* and remove Two-Family Dwellings, Accessory Apartments and Multi-Plex dwellings as a Conditional Use.

Sec. 107.0: Residential: Environmental Development (R-ED)

The Petitioner is proposing to add “One two-family dwelling unit per lot” as a use permitted as a matter of right and impose a 16,000 square foot minimum lot size for two-family dwellings. The Petitioner is also proposing to rename the Accessory Apartments accessory use to *Accessory Dwelling Unit* and remove the requirements for a minimum lot size, maximum number of bedrooms and external design requirements.

Sec. 108.0: Residential: Single (R-12)

The Petitioner is proposing to add “One two-family dwelling unit per lot” as a use permitted as a matter of right and impose a 16,000 square foot minimum lot size for two-family dwellings. The Petitioner is also proposing to rename the Accessory Apartments accessory use to *Accessory Dwelling Unit* and remove the requirements for a minimum lot size, maximum number of bedrooms and external design requirements.

Sec. 110.0: Residential: Single Cluster (R-SC)

The Petitioner is proposing to rename the Accessory Apartments accessory use to *Accessory Dwelling Unit* and remove the requirements for a minimum lot size, maximum number of bedrooms and external design requirements.

Sec. 111.0: Residential: Single Attached (R-SA-8)

The Petitioner is proposing to rename the Accessory Apartments accessory use to *Accessory Dwelling Unit*, and remove the requirements for a minimum lot size, maximum number of bedrooms and external design requirements.

Sec. 111.1: Residential: Historic – Environmental District (R-H-ED)

The Petitioner is proposing to add an Accessory Dwelling Unit as a permitted accessory use, subject to Section 128.0.A.

Sec. 112.0: Residential: Apartments (R-A-15)

The Petitioner is proposing to add an Accessory Dwelling Unit as a permitted accessory use, subject to Section 128.0.A.

Sec. 112.1: Residential: Apartments (R-APT)

The Petitioner is proposing to add an Accessory Dwelling Unit as a permitted accessory use, subject to Section 128.0.A.

Sec. 113.1: Residential: Mobile Home (R-MH)

The Petitioner is proposing to add an Accessory Dwelling Unit as a permitted accessory use, subject to Section 128.0.A.

Sec. 114.1: Residential: Village Housing (R-VH)

The Petitioner is proposing to add an Accessory Dwelling Unit as a permitted accessory use, subject to Section 128.0.A.

Sec. 114.2: Historic: Office (HO)

T The Petitioner is proposing to add an Accessory Dwelling Unit as a permitted accessory use, subject to Section 128.0.A.

Sec. 114.3: Historic: Commercial (HC)

The Petitioner is proposing to add an Accessory Dwelling Unit as a permitted accessory use, subject to Section 128.0.A.

Sec. 126.0: Planned Golf Course Community (PGCC)

The Petitioner is proposing to rename the Accessory Apartments accessory use to *Accessory Dwelling Unit*, and remove the requirements for a minimum lot size, maximum number of bedrooms and external design requirements.

Sec. 127.4: Transit Oriented Development (TOD)

The Petitioner is proposing to add an Accessory Dwelling Unit as a permitted accessory use, subject to Section 128.0.A.

Sec. 127.5: Corridor Activity Center (CAC)

The Petitioner is proposing to add an Accessory Dwelling Unit as a permitted accessory use, subject to Section 128.0.A.

Sec. 127.6: Traditional Neighborhood Center (TNC)

The Petitioner is proposing to add an Accessory Dwelling Unit as a permitted accessory use, subject to Section 128.0.A.

Sec. 128.0.A.12: Supplemental Zoning Regulations: Regulations for detached accessory structures on residentially zoned lots developed with single-family detached dwellings

The Petitioner is proposing to amend the regulations for detached accessory structures on residentially zoned lots developed with single-family detached dwellings to:

- Exclude an Accessory Dwelling Unit from the detached accessory structure maximum cumulative lot coverage requirements.
- Exclude an Accessory Dwelling Unit from the restrictions for detached accessory structures to allow full baths, full kitchens and residential habitation. Prohibit commercial use in all accessory structures, including an Accessory Dwelling Unit.

Sec. 128.0.A.13: Supplemental Zoning Regulations: Restrictions for Accessory Apartments

The Petitioner is proposing to amend the regulations for accessory apartments to:

- Rename Accessory Apartment to *Accessory Dwelling Unit*
- Add that only one (1) Accessory Dwelling Unit is permitted per lot
- Add that an Accessory Dwelling Unit is only permitted on the same lot, parcel, or tract of land developed with a Single-Family Detached, Single-Family Attached, Single-Family Semi-Detached or Two-Family Dwelling unit.
- Add that an Accessory Dwelling Unit can be separate from the principal Single-Family Detached, Single-Family Attached, Single-Family Semi-Detached or Two-Family Dwelling, or attached as an addition to the principal Single-Family Detached, Single-Family Attached, Single-Family Semi-Detached or Two-Family Dwelling
- Remove the requirement for a 50% common wall overlap if the Accessory Dwelling Unit is within an addition to the principal dwelling
- Amend the size limitation for an Accessory Dwelling Unit to be not more than 75% of the size of the principal Single-Family Detached, Single-Family Attached, Single-Family Semi-Detached or Two-Family Dwelling
- Remove the floor area calculation that factors in 1/3 of the area of any shared

storage or utility area.

- Add that if an Accessory Dwelling Unit is detached from the principal dwelling, it must follow the accessory structure side and rear setbacks of the underlying zoning district
- Add that an Accessory Dwelling Unit must comply with the front setback requirements of the underlying zoning district, and that the Accessory Dwelling Unit may be located in front of the principal dwelling if it is within an existing detached structure

Sec. 128.0.G: Supplemental Zoning Regulations: Traditional Residential Neighborhoods

The Petitioner is proposing to amend the permitted accessory uses within the Traditional Residential Neighborhood to:

- Rename Accessory Apartments to *Accessory Dwelling Unit*
- Remove the minimum lot size requirement
- Remove the Regulation stating that an Accessory Dwelling Unit is limited to two (2) bedrooms.

Sec. 131.0: Conditional Uses

The Petitioner is proposing to remove the following Conditional Use categories:

- Temporary Accessory Family Dwelling
- Two-Family Dwellings and Accessory Apartments

The Petitioner is proposing to renumber the Conditional Use categories to account for the removal of the above conditional uses.

Sec. 133.0.D: Off-Street Parking and Loading Facilities: Minimum Parking Requirements for Specific Uses

The Petitioner is proposing to amend the accessory apartment parking requirements to rename Accessory Apartments to *Accessory Dwelling Unit*.

III. EVALUATION OF PROPOSAL

This section contains the Department of Planning and Zoning (DPZ) technical evaluation of ZRA-218 in accordance with Section 16.208(f) of the Howard County Code.

- (1) The compatibility, including potential adverse impacts and consequences, of the proposed Zoning Regulation Amendment with the existing and potential uses of the surrounding areas and within the same zoning district.**

Staff does not anticipate this ZRA would produce adverse impacts that are substantially greater than what the current regulations allow. This amendment would have a general impact on all properties zoned RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, R-APT, R-MH, R-VH, HO, HC, NT, PGCC, TOD, CAC and TNC and developed with a single-family detached, single-family attached, single-family semi-detached or two-family dwelling. The ZRA would amend, add or remove the permitted uses, accessory uses and conditional uses in those districts. The NT district would be impacted as it permits Accessory uses from the R-12 district. The current regulations allow accessory dwelling units in the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, and PGCC districts on lots that are developed with a single-family detached dwelling. The current regulations allow two-family dwelling units as a conditional use in the RC, RR, R-ED, R-20 and R-12 districts.

- (2) The properties to which the Zoning Regulation Amendment could apply and, if feasible, a map of the impacted properties.**

This ZRA would amend, add or remove permitted, accessory and conditional uses in the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, R-APT, R-MH, R-VH, HO, HC, NT, PGCC, TOD, CAC and TNC districts. A map detailing each of these uses and the properties to which the uses could apply are provided in Attachments A-B.

- (3) Conflicts in the Howard County Zoning Regulations as a result of the Zoning Regulation Amendment.**

If adopted, this amendment would not create any conflicts in the Howard County Zoning Regulations. The purpose of the proposed legislation is to update the Zoning Regulations to comply with State law (HB-1466) and align the Regulations with the broader goals of HoCo By Design and the County's Housing Opportunities Master Plan.

- (4) The compatibility of the proposed Zoning Regulation Amendment with the Policies and objectives, specifically including the environmental policies and objectives, of the Howard County General Plan.**

The proposed ZRA is strongly supported by the Dynamic Neighborhoods chapter of HoCo By Design, which emphasizes the need for diverse, attainable, and inclusive

housing options through the County. The below Policy Statements and Implementation Actions are taken from HoCo By Design and are supportive of the proposed ZRA.

Policy Statement DN-2 states to “Allow attached and detached accessory dwelling units (ADUs) on a variety of single-family attached and single-family detached lots that meet specific site development criteria in residential zoning districts.”

Implementing Actions:

1. Explore a clear, predictable process and location-specific criteria for ADUs, including, but not limited to, consideration of lot coverage, lot size, setbacks, and other bulk regulations; stormwater management; and parking.
2. Consider revising the Zoning Regulations and Subdivision and Land Development Regulations to allow attached and detached ADUs that meet pre-determined location and site criteria. Provide parking requirements as needed.
3. Establish a clear definition of ADUs in the updated Zoning Regulations.

Policy Statement DN-5 states to “Allow the development of small-scale missing middle housing and accessory dwelling units (ADUs) that are consistent with the character and integrity of their surroundings, meet specific site conditions in single-family neighborhoods, and comply with all applicable APFO and parking requirements.”

Implementing Actions:

1. Establish design requirements, pattern book, or character-based regulations for missing middle housing types and detached accessory dwelling units to ensure that new construction is consistent with the character of the surrounding existing housing.
2. Establish provisions in the regulations that include dimensional and design standards to ensure neighborhood compatibility, off-street parking requirements, minimum lot sizes, and other standards.
3. Explore zoning and other incentives for minor subdivisions that consist of missing middle housing types and explore form-based or character-based zoning for these types of residential infill developments.
4. Evaluate how accessory dwelling units and other types of new development could enhance or impact stormwater management practices.

Policy Statement DN-9 states to “Create opportunities to increase the diversity of home choices in the Rural West, especially missing middle housing types, that preserve the character of the Rural West.”

Implementing Actions:

1. Consider the development of accessory dwelling units that conform to specific

design and site criteria.

Policy Statement DN-12 states to “Provide a range of affordable, accessible, and adaptable housing options for older adults and persons with disabilities.”

Implementing Actions:

1. Use zoning tools and incentives that increase the supply of missing middle housing and accessory dwelling units, as identified in Policy Statements DN-1 and DN-2.

Conclusion

Overall, DPZ finds that the proposed amendments described in this TSR, and the proposed legislation are consistent with the Policy Statements and Implementing Actions in HoCo By Design. The ZRA supports the County’s vision for inclusive and dynamic neighborhoods by enabling a broader range of housing types that meet the needs of residents across all life stages and income levels.

Environmental Policies and Objectives

The proposed ZRA-218 is not in conflict with the environmental policies and objectives in HoCo By Design, the County’s General Plan. The proposed ZRA would not change any development requirements for sensitive resource protection, stormwater management or forest conservation.

DocuSigned by:

Lynda Eisenberg

10/2/2025

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Lynda D. Eisenberg, AICP, Director Date

Exhibit A

Petitioner's Proposed Text

(CAPITALS indicate text to be added; text in [[brackets]] indicates text to be deleted.)

Legislative Text Changes

Howard County Zoning Regulations

SECTION 103.0: Definitions

Accessory DWELLING UNIT: ~~[[Apartment: See "Dwelling, Accessory Apartment".]]~~ A SECOND DWELLING UNIT SUBORDINATE TO THE PRINCIPAL DWELLING, LOCATED ON A LOT DEVELOPED WITH A SINGLE-FAMILY DETACHED, SINGLE-FAMILY ATTACHED, AND SINGLE-FAMILY SEMI-DETACHED AND TWO-FAMILY DWELLING UNITS WHICH COMPLIES WITH THE REQUIREMENTS FOR SUCH USES WITHIN SECTION 128.0.A

Density: The number of principal dwelling units per unit of land area. Accessory dwelling units such as farm tenant houses, caretaker dwellings and ~~[[accessory apartments]]~~ ACCESSORY DWELLING UNITS are not included when calculating density.

Dwelling Unit: A single unit providing complete ~~[[independent]]~~ living facilities for AT LEAST one ~~[[or more persons]]~~ INDIVIDUAL, including, AT A MINIMUM, ~~[[permanent]]~~ provisions for SANITATION, COOKING, EATING, AND SLEEPING~~[[living, sleeping, eating, cooking limited to one kitchen, and sanitation]]~~.

~~[[Dwelling, Accessory Apartment~~: A second dwelling unit located within a single-family detached dwelling which complies with the requirements for such uses within Section 128.0.A.

(See also the definition of Dwelling, Two-family)]]

~~[[Dwelling, Temporary Accessory Family~~: A Conditional Use category for a second dwelling unit on a lot which is used for the housing of an elderly or disabled family member of the resident of the principal dwelling unit and which complies with the requirements of Section 131.0.N. A temporary accessory family dwelling shall either be a removable modular building designed for this purpose or an alteration of an existing accessory building. A temporary accessory family dwelling shall not be a newly constructed building.]]

Dwelling, Two-family: A building which contains two dwelling units, of which neither is an accessory [[apartment]] DWELLING UNIT, and which is arranged, designed or used for occupancy by two families. The dwelling units in a two-family dwelling are not separated by an attached garage or by an open or enclosed breezeway.

[[(See also the definition of Dwelling, Accessory Apartment.)]]

Kitchen: Any room designed to principally be used for cooking and food preparation purposes. A room which includes a [[sink and a]] range or oven, [[or utility connections suitable for the operation of a range or oven,]] shall be considered as the establishment of a kitchen.

Section 104.0: RC (Rural Conservation) District

B. Uses Permitted as a Matter of Right

14. ONE TWO-FAMILY DWELLING UNIT PER LOT

C. Accessory Uses

3. [[Accessory apartments]] ACCESSORY DWELLING UNIT subject to the requirements of Section 128.0.A.

Section 105.0: RR (Rural Residential) District

B. Uses Permitted as a Matter of Right

13. ONE TWO-FAMILY DWELLING UNIT PER LOT

C. Accessory Uses

3. [[Accessory apartments]] ACCESSORY DWELLING UNIT, subject to the requirements of Section 128.0.A.

Section 106.1: County Preservation Easements Section

C. Accessory Uses

1.c. [[Accessory apartments]] ACCESSORY DWELLING UNIT, subject to the requirements of Section 128.0.A.

2.d. [[Accessory apartments]] ACCESSORY DWELLING UNIT, subject to the requirements of Section 128.0.A.

D. Conditional Uses

[[2.a.(20). Two family dwellings, accessory apartments and multi-plex dwellings]]

Section 107.0: R-ED (Residential: Environmental Development) District

B. Uses Permitted as a Matter of Right

15. ONE TWO-FAMILY DWELLING UNIT PER LOT

C. Accessory Uses

2. [[Accessory apartments]] ACCESSORY DWELLING UNIT, subject to the requirements of Section

128.0.A.[, provided that:

- a. The area of the lot is at least 12,000 square feet;
- b. Except for an exterior entrance and necessary parking area, there shall be no external evidence of the accessory apartment; and,
- c. The accessory apartment shall have no more than two bedrooms.]]

D. Bulk Regulations

2. Minimum lot size requirements

D. TWO-FAMILY DWELLINGS.....16,000 SQ. FT.

Section 108.0: R-20 (Residential: Single) District

B. Uses Permitted as a Matter of Right

13. ONE TWO-FAMILY DWELLING UNIT PER LOT

C. Accessory Uses

2. [[Accessory apartments]] ACCESSORY DWELLING UNIT, subject to the requirements of Section

128.0.A.[, provided that:

- a. The area of the lot is at least 12,000 square feet;
- b. Except for an exterior entrance and necessary parking area, there shall be no external evidence of the accessory apartment; and,
- c. The accessory apartment shall have no more than two bedrooms.]]

Section 109.0: R-12 (Residential: Single) District

B. Uses Permitted as a Matter of Right

15. ONE TWO-FAMILY DWELLING UNIT PER LOT

C. Accessory Uses

2. [[Accessory apartments]] ACCESSORY DWELLING UNIT, subject to the requirements of Section 128.0.A.[[, provided that:

- a. The area of the lot is at least 12,000 square feet;
- b. Except for an exterior entrance and necessary parking area, there shall be no external evidence of the accessory apartment; and,
- c. The accessory apartment shall have no more than two bedrooms.]]

D. Bulk Regulations

2. Minimum lot size (except as provided in Section 109.0.F of these Regulations for mandatory open space)12,000 sq. ft. EXCEPT THAT TWO-FAMILY DWELING UNITS REQUIRE A MINIMUM LOT SIZE OF.....16,000 SQ. FT.

Section 110.0: R-SC (Residential: Single Cluster) District

C. Accessory Uses

2. [[Accessory apartments]] ACCESSORY DWELLING UNIT, subject to the requirements of Section 128.0.A.[[, provided that:]]

- [[a. The area of the lot is at least 12,000 square feet;]]
- [[b. Except for an exterior entrance and necessary parking area, there shall be no external evidence of the accessory apartment; and,]]
- [[c. The accessory apartment shall have no more than two bedrooms.]]

Section 111.0: R-SA-8 (Residential: Single Attached) District

C. Accessory Uses

2. [[Accessory apartments]] ACCESSORY DWELLING UNIT, subject to the requirements of Section 128.0.A.[[, provided that:

- a. The area of the lot is at least 12,000 square feet;

- b. Except for an exterior entrance and necessary parking area, there shall be no external evidence of the accessory apartment; and,
- c. The accessory apartment shall have no more than two bedrooms.]]

Section 111.1: R-H-ED (Residential: Historic-Environmental) District

C. Accessory Uses

2. ACCESSORY DWELLING UNIT, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.A.

- [[2]] 3. Farm tenant houses, caretakers' cottages and similar uses customarily accessory to agricultural and residential estate uses, provided that these uses shall not be permitted on parcels of less than 50 acres, and further provided that one unit shall be allowed for each 50 acres of that parcel.

[[3]] 4. The housing by a resident family of:

- a. Not more than four non-transient roomers or boarders; or
- b. Not more than eight mentally and/or physically disabled persons or persons 62 years of age or older, provided the use is registered, licensed or certified by the State of Maryland; or
- c. A combination of a and b above, provided that the total number of persons housed in addition to the resident family does not exceed eight.

[[4]] 5. Home occupations, subject to the requirements of Section 128.0.C.

[[5]] 6. Home care, provided that if home care is combined with housing of mentally or physically disabled persons or persons 62 years of age or older, as allowed by Subsection 4.b above, the total number of persons receiving home care at any one time plus the number of persons being housed shall not exceed eight.

[[6]] 7. Parking:

- a. Off-street parking of no more than two commercial vehicles on lots of three or more acres and no more than one commercial vehicle on lots of less than three acres. Private off-street parking is restricted to vehicles used in connection with or in relation to a principal use permitted as a matter of right in the district.

b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or destroyed motor vehicles shall not be permitted, except as provided by Section 128.0.D.

[[7]]8. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet or smaller, such storage shall be limited to the following:

- a. One recreational vehicle with a length of 30 feet or less; and
- b. One boat with a length of 20 feet or less.

[[8]]9. Snowball stands, subject to the requirements of Section 128.0.D.

[[9]]10. Small Wind Energy System, building mounted, on single-family detached dwellings and non-residential structures only, subject to the requirements of Section 128.0.L.

[[10]]11. Accessory ground-mount solar collectors.

Section 112.0: R-A-15 (Residential: Apartments) District

C. Accessory Uses

2. ACCESSORY DWELLING UNIT, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.A.

[[2]] 3. Farm tenant houses, caretakers' cottages and similar uses customarily accessory to agricultural and residential estate uses, provided that these uses shall not be permitted on parcels of less than 50 acres, and further provided that one unit shall be allowed for each 50 acres of that parcel.

[[3]] 4. The housing by a resident family of:

- a. Not more than four non-transient roomers or boarders; or
- b. Not more than eight mentally and/or physically disabled persons or persons 62 years of age or older, provided the use is registered, licensed or certified by the State of Maryland; or
- c. A combination of a and b above, provided that the total number of persons housed in addition to the resident family does not exceed eight.

[[4]]5. Home occupations, subject to the requirements of Section 128.0.C.

[[5]]6. Home care, provided that if home care is combined with housing of mentally or physically disabled persons or persons 62 years of age or older, as allowed by Subsection

4.b above, the total number of persons receiving home care at any one time plus the number of persons being housed shall not exceed eight.

[[6]]7. Parking:

- a. Off-street parking of no more than two commercial vehicles on lots of three or more acres and no more than one commercial vehicle on lots of less than three acres. Private off-street parking is restricted to vehicles used in connection with or in relation to a principal use permitted as a matter of right in the district.
- b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or destroyed motor vehicles shall not be permitted, except as provided by Section 128.0.D.

[[7]]8. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet or smaller, such storage shall be limited to the following:

- a. One recreational vehicle with a length of 30 feet or less; and
- b. One boat with a length of 20 feet or less.

[[8]]9. Snowball stands, subject to the requirements of Section 128.0.D.

[[9]]10. Small Wind Energy System, building mounted, on single-family detached dwellings and non-residential structures only, subject to the requirements of Section 128.0.L.

[[10]]11. Accessory ground-mount solar collectors.

Section 112.1: R-APT (Residential: Apartments) District

C. Accessory Uses

2. ACCESSORY DWELLING UNIT, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.A.

[[2]] 3. Farm tenant houses, caretakers' cottages and similar uses customarily accessory to

agricultural and residential estate uses, provided that these uses shall not be permitted on parcels of less than 50 acres, and further provided that one unit shall be allowed for each 50 acres of that parcel.

[[3]] 4. The housing by a resident family of:

- a. Not more than four non-transient roomers or boarders; or
 - b. Not more than eight mentally and/or physically disabled persons or persons 62 years of age or older, provided the use is registered, licensed or certified by the State of Maryland; or
 - c. A combination of a and b above, provided that the total number of persons housed in addition to the resident family does not exceed eight.
- [[4]]5. Home occupations, subject to the requirements of Section 128.0.C.
- [[5]]6. Home care, provided that if home care is combined with housing of mentally or physically disabled persons or persons 62 years of age or older, as allowed by Subsection 4.b above, the total number of persons receiving home care at any one time plus the number of persons being housed shall not exceed eight.
- [[6]]7. Parking:
 - a. Off-street parking of no more than two commercial vehicles on lots of three or more acres and no more than one commercial vehicle on lots of less than three acres.
Private off-street parking is restricted to vehicles used in connection with or in relation to a principal use permitted as a matter of right in the district.
 - b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or destroyed motor vehicles shall not be permitted, except as provided by Section 128.0.D.
- [[7]]8. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet or smaller, such storage shall be limited to the following:
 - a. One recreational vehicle with a length of 30 feet or less; and
 - b. One boat with a length of 20 feet or less.
- [[8]]9. Snowball stands, subject to the requirements of Section 128.0.D.
- [[9]]10. Small Wind Energy System, building mounted, on single-family detached dwellings and non-residential structures only, subject to the requirements of Section 128.0.L.
- [[10]]11. Accessory ground-mount solar collectors.

Section 113.1: R-MH (Residential: Mobile Home) District

C. Accessory Uses

2. ACCESSORY DWELLING UNIT, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.A.

[[2]]3. The housing of not more than four non-transient roomers or boarders by a resident family.

[[3]]4. Home occupations, subject to the requirements of Section 128.0.C.

[[4]]5. Home care.

[[5]]6. Parking:

a. Off-street parking of no more than two commercial vehicles on lots of three or more acres and no more than one commercial vehicle on lots of less than three acres. Private off-street parking is restricted to vehicles used in connection with or in relation to a principal use permitted as a matter of right in the district.

b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or destroyed motor vehicles shall not be permitted, except as provided by Section 128.0.D.

[[6]]7. Management office and maintenance facilities in mobile home parks.

[[7]]8. Central common laundry facilities in mobile home parks.

[[8]]9. Convenience establishments of a commercial nature, not including Motor Vehicle Fueling Facility but including stores, day care centers, coin-operated laundries and dry cleaners, beauty and barber shops, may be permitted in mobile home parks, provided that such establishments and the parking areas primarily related to their operations:

a. May occupy up to 5% of the area of the park, but in any case, not more than two and one-half acres,

b. Shall be subordinate to the residential use and character of the park,

c. Shall be located, designed and intended to serve frequent trade or service needs of the residents of the park, and

d. Shall present no visible evidence of their commercial character from any portion of any residential district outside the park.

[[9]]10. Snowball stands, subject to the requirements of Section 128.0.D.

[[10]]11. Temporary storage of abandoned mobile homes in mobile home parks, provided that:

- a. This use shall be limited to storage of mobile homes which were occupied and subsequently abandoned by their owners within the mobile home park.
- b. An abandoned mobile home shall be stored for a period of time not to exceed six months.
- c. Storage areas shall meet the bulk requirements of Section 113.1.D.3.b, except that the minimum required distance between mobile homes shall not apply to the distance between abandoned mobile homes.
- d. Prior to moving an abandoned mobile home from its site to a storage area, a permit shall be obtained from the Department of Planning and Zoning. The permit application shall include a plan showing the storage area and documentation that the park owner has begun the necessary proceedings in accordance with State law to take possession of and remove the mobile home from the premises.

12. Accessory ground-mount solar collectors.

Section 114.1: R-VH (Residential: Village Housing) District

C. Accessory Uses

2. ACCESSORY DWELLING UNIT, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.A.

[[2]]3. The housing by a resident family of:

- a. Not more than four non-transient roomers or boarders; or
- b. Not more than eight mentally and/or physically disabled persons or persons 62 years of age or older, provided the use is registered, licensed or certified by the State of Maryland; or
- c. A combination of a and b above, provided that the total number of persons housed in addition to the resident family does not exceed eight.

[[3]]4. Home occupations, subject to the requirements of Section 128.0.C.

[[4]]5. Home care, provided that if home care is combined with housing of mentally or physically disabled persons or persons 62 years of age or older, as allowed by Subsection 2.b above, the total number of persons receiving home care plus persons being housed shall not exceed eight.

[[5]]6. Parking:

a. Off-street parking of no more than two commercial vehicles on lots of three or more acres and no more than one commercial vehicle on lots of less than three acres. Private off-street parking is restricted to vehicles used in connection with or in relation to a principal use permitted as a matter of right in the district.

b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or destroyed motor vehicles shall not be permitted, except as provided by Section 128.0.D.

[[6]]7. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet or smaller, such storage shall be limited to the following:

a. One recreational vehicle with a length of 30 feet or less; and

b. One boat with a length of 20 feet or less.

8. Accessory ground-mount solar collectors.

Section 114.2: HO (Historic: Office) District

C. Accessory Uses

2. ACCESSORY DWELLING UNIT, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.A.

[[2]]3. Community meeting houses, commercial establishments for receptions and parties.

[[3]]4. Antennas accessory to a principal use on the lot.

[[4]]5. Private parks, athletic fields, exercise facilities, tennis courts, basketball courts and similar private, non-commercial recreation facilities.

[[5]]6. Accessory ground-mount solar collectors.

Section 114.3: HC (Historic: Commercial) District

C. Accessory Uses

2. ACCESSORY DWELLING UNIT, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.A.

[[2]]3. Antennas accessory to a principal use on the lot.

[[3]]4. Private parks, athletic fields, exercise facilities, tennis courts, basketball courts and similar private, non-commercial recreation facilities.

[[4]]5. Accessory ground-mount solar collectors.

Section 126.0: PGCC (Planned Golf Course Community) District

C. Accessory Uses

- 1.b. [[Accessory apartments]]ACCESSORY DWELLING UNIT, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.A. [[provided that:
- (1) The area of the lot is at least 12,000 square feet.
 - (2) Except for an exterior entrance and necessary parking area, there shall be no external evidence of the accessory apartment.
 - (3) The accessory apartment shall have no more than two bedrooms.]]

Section 127.4: TOD (Transit Oriented Development) District

D. Accessory Uses

2. ACCESSORY DWELLING UNIT, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.A.
 [[2]]3. Private parks, athletic fields, exercise facilities, tennis courts, basketball courts and similar private, non-commercial recreation facilities.
 [[3]]4. Home occupations, subject to the requirements of Section 128.C.
 [[4]]5. Small Wind Energy System, building mounted, subject to the requirements of Section 128.0.L.
 [[5]]6. Accessory ground-mount solar collectors.

Section 127.5.C: CAC (Corridor Activity Center) District

C. Accessory Uses

2. ACCESSORY DWELLING UNIT, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.A.
 [[2]]3. Home occupations, subject to the requirements of Section 128.C.
 [[3]]4. Private parks, athletic fields, exercise facilities, tennis courts, basketball courts and similar private, non-commercial recreation facilities.
 [[4]]5. Retail sale of propane on the site of a principal retail business.
 [[5]]6. Small Wind Energy System, building mounted, subject to the requirements of Section 128.0.L.
 [[6]]7. Snowball stands, subject to the requirements of Section 128.D.5.
 [[7]]8. Accessory ground-mount solar collectors.

Section 127.6.C: TNC (Transit Oriented Development) District

D. Accessory Uses

2. ACCESSORY DWELLING UNIT, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.A.
 [[2]]3. Home occupations, subject to the requirements of Section 128.C.
 [[3]]4. Private parks, athletic fields, exercise facilities, tennis courts, basketball courts and similar private, non-commercial recreation facilities.
 [[4]]5. Retail sale of propane on the site of a principal retail business.
 [[5]]6. Small Wind Energy System, building mounted, subject to the requirements of Section 128.0.L.
 [[6]]7. Snowball stands, subject to the requirements of Section 128.D.5.
 [[7]]8. Accessory ground-mount solar collectors.

Section 128.0: Supplementary Zoning District Regulations

A. Supplementary Bulk Regulations

12. Regulations for detached accessory structures on residentially zoned lots developed with single-family detached dwellings

a. Size restrictions

- (1) The maximum cumulative lot coverage permitted for all of the accessory structures located on any given residential lot developed with a single-family detached dwelling is:
 - (a) 600 square feet for a lot in the planned public water and sewer service area.
 - (b) 1,200 square feet for a lot in the RC or RR district which is 2 acres or less
 - (c) 2,200 square feet for a lot in the RC or RR district which is greater than 2 acres.
- (2) The cumulative lot coverage restrictions cited above shall apply to all accessory structures on any residentially zoned lot developed with a single-family detached dwelling, excepting only legitimate farm buildings located on properties meeting the definition of "farm", shipping containers used as accessory storage structures, ACCESSORY DWELLING UNITS and swimming pools. Farm structures, shipping containers used as accessory storage structures, ACCESSORY DWELLING UNITS and swimming pools are not subject to size restrictions; however, they must be subordinate and incidental to the principal use.
- (3) Ground-mounted accessory solar collectors shall not count toward the lot coverage requirement provided they do not cover more than 2% of the lot.

b. Restrictions for accessory structures

FULL BATHROOMS, FULL KITCHENS, AND RESIDENTIAL HABITATION ARE PROHIBITED IN ACCESSORY STRUCTURES, EXCEPT AS PART OF AN APPROVED ACCESSORY DWELLING UNIT. COMMERCIAL USES ARE PROHIBITED IN ALL ACCESSORY STRUCTURES, INCLUDING ACCESSORY DWELLING UNITS.

13. Regulations for [[Accessory Apartments]]ACCESSORY DWELLING UNITS

The following shall apply to all [[accessory apartments]]ACCESSORY DWELLING UNITS:

- a. [[If the accessory apartment is within an addition to the existing dwelling it must share a common wall overlap of at least 50% of the length of the shared wall. The apartment cannot be separated from the principal dwelling by an attached garage or a breezeway.]]ONLY 1 ACCESSORY DWELLING UNIT IS PERMITTED PER LOT, TRACT OR PARCEL THAT IS DEVELOPED WITH A SINGLE-FAMILY DETACHED, SINGLE-FAMILY ATTACHED,

AND SINGLE-FAMILY SEMI-DETACHED AND TWO-FAMILY DWELLING UNITS.

- b. [[In all dwellings, an accessory apartment shall occupy no more than one-third of the net floor area of the building, up to a maximum of 1,500 square feet. The boundaries of the accessory apartment must encompass at a minimum area devoted to sleeping, food preparation, sanitary facilities and the intervening areas which link these. The floor area of the accessory apartment includes one-third of the area of shared storage or utility areas.

Accessory apartments which exceed 1,500 square feet or more than one-third of the net floor area of the building may be permissible in the RC, RR, R-ED, R-20, or R-12 Districts if a Conditional Use for a two-family dwelling is approved by the Hearing Authority.]]ACCESSORY DWELLING UNITS CAN BE SEPARATE FROM THE PRINCIPAL SINGLE-FAMILY DETACHED, SINGLE-FAMILY ATTACHED, AND SINGLE-FAMILY SEMI-DETACHED AND TWO-FAMILY DWELLING UNITS, ATTACHED AS AN ADDITION TO THE PRINCIPAL SINGLE-FAMILY DETACHED, SINGLE-FAMILY ATTACHED, AND SINGLE-FAMILY SEMI-DETACHED AND TWO-FAMILY DWELLING UNITS, OR WITHIN AN EXISTING SINGLE-FAMILY DETACHED, SINGLE-FAMILY ATTACHED, AND SINGLE-FAMILY SEMI-DETACHED AND TWO-FAMILY DWELLING UNITS.

- c. An accessory [[apartment]]DWELLING UNIT shall operate only upon approval of a permit issued by the Department of Planning and Zoning based on compliance with the requirements of this section and those of the applicable zoning district. With the permit application, the owner must submit a floor plan drawn to scale which delineates the boundaries of the accessory DWELLING UNIT[[apartment]] and [[identifies all of the living spaces as specified in (c) above.]]A PLOT PLAN SHOWING COMPLIANCE WITH THE MAX SIZE LIMITATION AND COMPLIANCE WITH THE REQUIRED SETBACKS.
- d. ACCESSORY DWELLING UNITS SHALL HAVE A MAXIMUM SIZE LIMITATION EQUAL TO 75% OF THE SIZE OF THE PRINCIPAL SINGLE-FAMILY DETACHED, SINGLE-FAMILY ATTACHED, AND SINGLE-FAMILY SEMI-DETACHED AND TWO-FAMILY DWELLING UNITS. FOR THE PURPOSE OF THIS REGULATION, SIZE SHALL BE CALCULATED BASED ON THE LOT COVERAGE OF THE PRINCIPAL DWELLING.
- e. IF AN ACCESSORY DWELLING UNIT IS DETACHED FROM THE PRINCIPAL DWELLING, IT SHALL COMPLY WITH THE ACCESSORY STRUCTURE SIDE AND REAR SETBACKS OF THE UNDERLYING ZONING DISTRICT. AN ACCESSORY DWELLING UNIT WITHIN A

DETACHED STRUCTURE SHALL COMPLY WITH THE FRONT SETBACK REQUIREMENTS OF THE UNDERLYING ZONING DISTRICT AND MAY BE LOCATED IN FRONT OF THE PRINCIPAL SINGLE-FAMILY, SINGLE-FAMILY ATTACHED, AND SINGLE-FAMILY SEMI-DETACHED DWELLING UNITS IF IT IS WITHIN AN EXISTING DETACHED STRUCTURE.

Section 128.0: Supplementary Zoning District Regulations

G. Traditional Residential Neighborhoods

3. Permitted Uses

Uses permitted as a matter of right, accessory uses, and Conditional Use shall be as indicated in the applicable section of these Regulations, except that [[accessory apartments]]ACCESSORY DWELLING UNITS shall be permitted accessory uses in any Traditional Residential Neighborhood subject to the following conditions:

- a. [[The area of the lot shall be at least 8,000 square feet, unless the accessory apartment is located in a Traditional Residential Neighborhood within a R-MH (Residential: Mobile Home) District.]]
- b. [[The [[accessory apartment]]ACCESSORY DWELLING UNIT shall have no more than two bedrooms.]]

Section 131.0.N Conditional Uses and Permissible Zoning Districts

Conditional Use
[[Dwelling, Accessory Family]]
[[Two-family Dwellings and Accessory Apartments]]

[[Section 131.0.N.18 Dwelling, Temporary Accessory Family

A Conditional Use may be granted in the RC, RR, R-ED, R-20 or R-12 Districts for a temporary accessory family dwelling provided that:

- a. The minimum lot size shall be 2 acres.
- b. The temporary accessory family dwelling shall be accessory to a single-family detached dwelling on the same lot.
- c. If the temporary accessory family dwelling is a removable modular building, the maximum gross floor area of the use shall be less than 1,000 square feet. If the temporary accessory family dwelling is proposed as an alteration to an existing accessory building, the Hearing Authority may increase the maximum gross floor

area of the use to 1,000 square feet or greater, provided that the use clearly remains subordinate to the principal dwelling on the lot. A temporary accessory family dwelling is not subject to the standard lot coverage regulations for accessory structures in Section 128.0.A.

- d. For newly constructed or installed temporary accessory family dwellings, the petition shall include a plan for appropriate screening as necessary to provide an attractive buffering for neighboring residential properties.
- e. A resident of the temporary accessory family dwelling shall be a relative of at least one resident of the principle dwelling and shall either be:
 - (1) 62 years of age or older; or
 - (2) 18 years of age or older and determined by a qualified medical authority to have physical, mental, or developmental impairments that:
 - (a) Are expected to be of a long, continued and indefinite duration;
 - (b) Substantially impede the ability to live independently or are of such a nature that the ability to live independently is facilitated by more suitable living conditions.
- f. If determined necessary by a qualified medical authority, a long-term caregiver shall also be permitted to reside in the temporary accessory family dwelling.
- g. No more than one temporary accessory family dwelling or accessory apartment shall be permitted per lot.
- h. The name of the elderly or disabled family member who will reside in the temporary accessory family dwelling shall be documented with the Conditional Use approval. The temporary accessory family dwelling shall only be used as a dwelling unit for the housing of this elderly or disabled family member of the resident of the principal dwelling unit and a long-term caregiver as provided above, and shall not be used as a dwelling unit by any other person(s).
- i. A Conditional Use for a temporary accessory family dwelling shall become void unless an owner of the property provides an affidavit to the Hearing Authority once a

year from the date of approval attesting under penalties of perjury that the accessory family dwelling continues to comply with the specific requirements of this section.

- j. If the temporary accessory family dwelling is a removable modular building, it shall be removed from the property within 60 days after the documented elderly or disabled family member no longer resides in this dwelling. If the temporary accessory family dwelling is established as an alteration to an existing accessory building, 60 days after the documented elderly or disabled family member no longer resides in this building, the alterations authorized by the Conditional Use shall be removed and the accessory building shall no longer be used as a dwelling.]]

Section 131.0.N.18. Farm Tenant House

A Conditional Use may be granted in the RC and RR Districts for a farm tenant house as defined in these Regulations, provided that:

- a. The house is to be occupied by at least one person involved in a bona fide farming operation of the owner. The petitioner shall provide documentation substantiating this requirement.
- b. The house shall be located on a parcel which is principally used for farming and is at least 25 acres but less than 50 acres in area.
- c. The parcel on which the farm tenant house will be located must be improved with a principal dwelling unless, based on justification of need submitted by the petitioner, the Hearing Authority authorizes an exception to this requirement based on the nature of farming activities on the property.
- d. In the event farming ceases to be the principal use on the property, the house shall either be removed or converted to no longer be used for residential purposes, or the property subdivided so that the house becomes a principal single-family detached dwelling on a legal lot, except that a farm tenant house approved prior to October 6, 2013 shall not be subject to this criteria.

Section 131.0.N.19. Fast Food Restaurant

A Conditional Use may be granted for a fast-food restaurant in the B-1, M-1 or M-2 Districts, provided that:

- a. At least 20% of the site area will be landscaped. The petitioner shall submit a specific landscaping plan, which if approved becomes binding on the development of the facility. The landscaping plan must include plantings which enhance the appearance of the site from public roads and provide buffering for adjacent uses.

- b. The petitioner shall demonstrate that the noise generated by speakers for drive-through service lanes will not be audible from residentially zoned land and residential uses.
- c. If the site borders a residential district:
 - (1) A detailed lighting plan must be approved by the Hearing Authority.
 - (2) Solid walls such as masonry or wood and masonry may be required by the Hearing Authority. When solid walls are required, landscape planting is required between the wall and the property line.

Section 131.0.N.20. Funeral Homes and Mortuaries

A Conditional Use may be granted in the RC, RR, R-ED or R-20 Districts for funeral homes or mortuaries provided that:

- a. The area of the lot shall be not less than three acres.
- b. The site has frontage on and direct access to a collector or arterial highway designated in the General Plan.
- c. The design of new structures or additions to existing structures will be compatible in scale and character with residential development in the vicinity, as demonstrated by architectural elevations or renderings submitted with the petition.
- d. Buildings, parking areas and outdoor activity areas will be at least 50 feet from adjoining residentially zoned properties other than public road rights-of-way. The Hearing Authority may reduce this setback to no less than 20 feet or the minimum setback required by the zoning district, whichever is greater, if:
 - (1) The adjoining land is committed to a long term institutional or open space use that provides an equivalent or better buffer for vicinal residential development or;
 - (2) The petition includes detailed plans for screening, consisting of a combination of a solid fence or wall and landscaping, or an equivalent combination, that presents an attractive and effective buffer for neighboring properties.
- e. At least 20% of the area within the building envelope shall be green space, not used for buildings, parking area or driveways. The building envelope is formed by the required structure setbacks from property lines and public street rights-of-way.

Section 131.0.N.22. Gasoline, Fuel Oil, Liquefied Petroleum and Compressed Natural Gas, Bulk Storage of

A Conditional Use may be granted in the B-2, M-1 or M-2 Districts for the bulk storage of gasoline, fuel oil, liquefied petroleum or compressed natural gas, provided that:

- a. Maximum storage above ground shall not exceed 10,000 gallons or its equivalent in pounds or cubic feet, for each 20,000 square feet of lot area. Except that total storage of liquefied petroleum or compressed natural gas in the B-2 District shall not exceed 2,000 gallons and no single container may contain more than 1,000 gallons of liquefied petroleum or compressed natural gas. Total storage above ground shall not exceed 20,000 gallons in the M-1 District but shall not be limited in the M-2 District
- b. If the use is closed or not operated for a continuous period of twelve months, the storage facilities shall be dismantled and removed from the site.
- c. Solid walls such as masonry or wood and masonry may be required by the Hearing Authority when the site adjoins a residential district. When solid walls are required, landscape planting is required between the outside of the wall and the property line.
- d. The minimum structure and use setback from all property lines shall be 75 feet.

Section 131.0.N.23. Reserved

Section 131.0.N.24. Golf Courses

A Conditional Use may be granted in the RC and RR Districts, on properties that are not ALPP purchased or dedicated easement properties, and in the R-ED, R-20, R-12, R-SC or R-SA-8 Districts for country clubs with golf courses, provided that:

- a. A minimum setback of 50 feet is required for all structures and uses from all adjoining properties. This may be reduced by the Hearing Authority if the adjoining property is a farm
- b. A separation distance of at least 100 feet will be provided between the edge of golf course fairways and existing residential structures. The design of the fairways shall minimize the potential of errant golf shots from causing damage or hazards on adjoining properties to the greatest extent possible.
- c. Outdoor uses will be located and designed to shield residential property from noise or nuisance.
- d. Other athletic, recreational or social uses accessory to the principal use, such as typical country club uses, are permitted if approved by the Hearing Authority
- e. For an existing golf course approved prior to October 6, 2013, compliance with Section A and Section B above is only necessary for significant redevelopment of the facility.
- f. An existing use approved under the former Special Exception and Conditional Use category for "Country Clubs and Golf Courses" prior to October 6, 2013, shall be considered conforming under the conditions of the original approval. Enlargements and/or extensions to this previously approved use shall only be

subject to the general standards and to Section A, Section C and Section D above.

Section 131.0.N.25. Guest House

A Conditional Use may be granted in the R-12 District for a guest house provided that:

- a. The minimum lot size shall be 1 acre. The maximum lot size shall be 2 acres. The parcel shall have frontage on and direct access to an arterial road designated in the General Plan
- b. Accessory limited outdoor social assembly uses are not permitted.
- c. The Hearing Authority shall establish limitations on the size and frequency of indoor events with food and drink, considering the size, design and location of the facility in relation to neighboring properties. The guest house shall post rules to prevent guest noise from disturbing neighbors.
- d. The Hearing Authority shall establish limitations on the hours for trash collection and deliveries.
- e. The front setback for parking shall be the same as the front setback for structures.
- f. The owner of the guest house shall reside on the property. The Hearing Authority may permit the owner to reside off-site and allow a specific owner's agent if the Hearing Authority finds that such an arrangement will ensure that the use will be properly maintained and managed in accordance with all criteria and conditions.
- g. The maximum floor area ratio ("FAR") for the guest house shall be 0.5 FAR.
- h. The use shall have a minimum of 15 guest rooms and a maximum of 19 guest rooms.
- i. On-site parking shall meet, but not exceed, minimum parking requirements for hotel and motel uses. Parking shall be limited to approved paved parking spaces and there shall be no off-site or valet parking.
- j. Meals may be served to guests residing on the premises only and there shall be no public restaurant use.

Section 131.0.N.26. Historic Building Uses

A Conditional Use may be granted for the conversion of a historic building in the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, R-APT, R-MH, POR, B-1, B-2, M-1, and M-2 Districts to apartments and in the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-A-15, R-APT and R-MH Districts to business and professional offices, specialty stores, standard restaurants, arts and crafts classes, antiques shops, art galleries, craft shops; bakeries (provided all goods baked on the premises shall be sold at retail from the premises); furniture upholstery, and similar services; personal service establishments; seasonal sale of Christmas trees or other decorative plant materials, subject to the

requirements of Section 128.0.D.4; service agencies; or community meeting halls, provided that:

- a. The building is a historic structure as defined in these Regulations.
- b. The maximum number of dwelling units permitted shall be one dwelling unit for every 800 square feet of building area.
- c. Extension or enlargement of the principal historical structure and all accessory structures may not exceed 50% of the gross floor area of each individual building above that which existed on August 1, 1989, when ZB 882R was adopted adding the historic building use category to these Regulations.
- d. Exterior alterations to the historic structure shall be architecturally compatible with the historic structure as determined by the Historic District Commission, prior to the approval of the Conditional Use.
- e. A historic building converted into a community meeting hall or offices shall be subject to the following standards:
 - (1) No material or equipment shall be stored outside of structures.
 - (2) Parking areas shall be set back a minimum of 30 feet from all property lines or public street rights-of-way and screened from the roadway and adjacent properties.
 - (3) The site shall have frontage on and direct access onto a collector or arterial road designated in the General Plan
- f. A historic building that is converted for historic venue uses shall be subject to the following standards:
 - (1) The property is located in an R-20 district.
 - (2) The minimum lot size shall be 7 acres.
 - (3) The use shall not share a driveway with another residential lot.
 - (4) Parking areas shall be set back a minimum of 30 feet from all property lines or public street rights-of-way, and as close as possible to the primary ingress or egress points, and adequately screened to minimize visibility from the roadway and adjacent properties.
 - (5) The site shall have frontage on and direct access onto a collector or arterial road designated in the general plan.
 - (6) Outdoor use is permitted provided that any outdoor use area is located and screened to adequately shield adjacent residential lots from noise and nuisance. Any temporary structure, including tents, shall be within the fully screened approved outdoor use area.
 - (7) All outdoor uses shall be located within 350 feet of the principal historic structure on the property.
 - (8) Petitioner shall submit a sound management plan demonstrating how sound from outdoor uses will be managed to minimize adverse impacts on surrounding residential properties. The sound management plan

shall include provisions made to mitigate the impact of any amplified sound equipment. The sound management plan shall be reviewed by the hearing authority every three years.

- (9) The source of all amplified music, including speakers and all relevant sound producing or enhancing equipment, shall be sited within 175 feet of the principal historic structure and not less than 200 feet from any adjacent residential dwelling, and remain in that location during the entirety of an event.
 - (10) No amplified music shall be permitted between 7:00 p.m. and 11:00 a.m., unless contained in a soundproof structure with no perceptible sound at lot lines.
 - (11) Section 8.900 of the County Code - Noise Affecting Residential Areas applies to all events under this subsection.
 - (12) The petitioner will ensure that parking is sufficient and the perimeter of the property is secure so that there is no overflow parking or pedestrian traffic from events by patrons in any of the adjacent or nearby residential areas.
 - (13) Outdoor uses, including parking, shall be fully screened from all adjacent properties, except along the boundary with any arterial road.
 - (14) The hearing authority may set the days, hours of operation, and maximum number of guests for historic venue uses.
 - (15) For a historic building converted for historic venue use shall become void unless an owner of the property provides an affidavit to the hearing authority once every six years from the date of approval attesting under penalties of perjury that the historic building converted for historic venue conditional use continues to comply with the specific requirements of this section.
- g. On an ALPP purchased or dedicated easement property, the following additional criteria are required:
- (1) The use shall not interfere with the farming operations or limit future farming production.
 - (2) Any new building or building addition associated with the use, including any outdoor storage and parking area shall count towards the cumulative use cap of 2% of the easement

Section 131.0.N.27. Home-Based Contractors

A Conditional Use may be granted in the RC, RR and R-20 Districts for home-based contractors, subject to the following requirements, except that landscape contractors have separate requirements elsewhere in Section 131.0.N., and home-based contractors meeting the requirements of Section 128.0.C.2 are permitted accessory uses:

- a. The minimum lot size is three acres in the RC and RR Districts. The minimum lot size is 2.5 acres in the R-20 district and the lot shall abut an intermediate arterial highway, as designated in the General Plan.
- b. The number of commercial vehicles parked on the site shall be limited to three commercial vehicles for lots up to six acres, and five commercial vehicles for lots larger than six acres and not more than 20 acres.
On lots larger than 20 acres, the Hearing Authority may approve additional commercial vehicles, as is determined to be appropriate based upon the character of the property and its relation to the surrounding area.
- c. On lots six acres or fewer, the area used for parking and storage of commercial vehicles, equipment and supplies, whether exterior or interior, shall be limited to no more than 50% of the area of the lot or 10,000 square feet, whichever is less. On lots larger than six acres, the area used for these purposes shall be limited to no more than 5% of the lot or one acre, whichever is less.
- d. In the RR and RC Districts, structures used for the Conditional Use shall be at least 50 feet from lot lines and all outdoor parking or storage areas shall be at least 100 feet from lot lines.
- e. In the R-20 district, structures for and uses of the home-based contractor conditional use shall be restricted as follows:
 - (1) The use shall not alter the residential appearance of the neighborhood.
 - (2) The structures used for the Conditional Use shall be at least 100 feet from the nearest residential lot lines.
 - (3) Outdoor parking or storage areas shall be at least 75 feet from residential lot lines and screened from public streets and residential lots by solid walls, fences, or a tree buffer at least 25 feet wide.
- f. The location and design of the operation shall be such that the use will not be a nuisance to residents of neighboring properties due to noise, dust or fumes. Particular consideration shall be given to the location of loading areas, parking and circulation areas, and driveways in relation to neighboring properties.
- g. If the driveway providing access to the proposed site is shared with other properties, the petitioner shall demonstrate that the use will not result in damage to or deterioration of the shared driveway or in increased hazards to other users of the driveway.
- h. Parking and storage areas shall be restricted as follows:
 - (1) Supplies shall be stored within a building, except that mulch, compost, soil, sand, stone and other natural materials may be stored outdoors. Supplies stored outdoors must be fully screened from surrounding properties and roads by vegetation, fencing or other appropriate means in accordance with the County Landscape Manual.

- (2) Equipment shall be either stored within a building or screened from surrounding properties and roads by vegetation, fencing or other appropriate means in accordance with the Howard County Landscape Manual.
- i. The Hearing Authority shall establish the maximum number of employees permitted on the lot and the maximum allowable number of employee trips per day.
- j. The Hearing Authority shall establish the days and hours of operation.
- k. New structures or additions to existing structures shall be designed to be compatible in appearance and scale with other residential or agricultural structures in the vicinity, as demonstrated by architectural elevations or renderings that shall be submitted with the petition.
- l. Minor repairs to vehicles or equipment shall be permitted, provided such activities take place inside a building. Body work, engine rebuilding, engine reconditioning, painting and similar activities shall not be permitted.
- m. Where two or more adjacent lots are under common ownership and used as a single homesite, home-based contracting uses may be located on a different lot than the principal dwelling, if the Hearing Authority determines that this will provide a more compatible location in relation to vicinal properties that effective screening will be provided by using existing site features, or that it will result in decreased impacts on neighboring lots.
- n. On an ALPP purchased or dedicated easement property, the following additional criteria are required:
 - (1) The use shall not interfere with the farming operations or limit future farming production.
 - (2) Any new building or building addition associated with the use, including any outdoor storage and parking area shall count towards the cumulative use cap of 2% of the easement.

Section 131.0.N.28. Home Occupations

A Conditional Use may be granted in the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-H-ED R-A-15, R-APT, R-MH, R-VH, PGCC, TOD, CAC and TNC Districts for home occupations subject to the following requirements. Home occupations meeting all requirements of Section 128.0.C.1 are permitted accessory uses:

- a. Home occupations approved under this section include the following uses:
 - (1) Those listed in Section 128.0.C. which exceed the floor area restrictions or the nonresident employee or client visitation limitations of that Section;
 - (2) Home Occupations which plan to construct a new detached accessory structure;

- (3) Individual or group instruction of more than 6 students at one time in an academic or non-academic subject;
 - (4) Catering, subject to health department approval; and
 - (5) Other home occupations may be approved by the Hearing Examiner for single-family detached properties 12,000 square feet or greater in area, excluding specific home based businesses that are allowed under other Conditional Use categories listed at the beginning of Section 131.0.N.
- b. The total area devoted to the home occupation may exceed 33% of the gross floor area of the dwelling.
- c. The petition shall include a plot plan showing the location and dimensions of structures, parking areas and driveways and a floor plan showing the dimensions and boundaries of the home occupation.
- d. The home occupation shall be located entirely within the dwelling, an accessory building, or both.
- e. The home occupation shall not alter the residential character or appearance of the dwelling or the lot. An existing or proposed accessory building used for the home occupation must be compatible in scale, character and appearance with the residential character of the site and the neighborhood.
- f. There shall be no exterior evidence, other than a permitted sign, to indicate that the site is being used for any purpose other than that of a dwelling. Exterior evidence shall include outdoor display or storage, noise, dust, vibration, glare, fumes or odors or extensive parking area.
- g. The unrestricted sale or rental of commodities may not take place on the lot. Allowed sales related activities include: processing orders by mail, telephone or computer; receiving and mailing merchandise (subject to the limitation on truck deliveries); storage of catalogues, samples, previously ordered merchandise and inventory; office functions such as telephone, computer, and record keeping. In addition, occasional, small volume sales associated with home parties held for the purposes of the display and sale of goods such as cookware, fashion accessories, skin care products, etc. may occur on the site at a frequency determined by the Hearing Authority.
- h. Prohibited home occupations include, but are not limited to the following uses:
 - (1) Vehicle repair, sales or rentals.
 - (2) Restaurants.
 - (3) Laundry and dry cleaning services.
 - (4) Firearm sales.

- i. The home occupation shall be principally conducted by persons residing in the dwelling. In addition, not more than five nonresident employees may work on the lot at one time in connection with the home occupation.
- j. Business-related off-street parking areas shall be screened from public roads and neighboring properties.
- k. No business-related deliveries by trucks with more than two axles shall be permitted. Parcel post and other similar delivery trucks are permitted.
- l. On an ALPP purchased or dedicated easement property, the following additional criteria are required:
 - (1) The use shall not interfere with the farming operations or limit future farming production.
 - (2) Any new building addition associated with the use, including any outdoor storage and parking area shall count towards the cumulative use cap of 2% of the easement.

Section 131.0.N.30. Junk Yard

A Conditional Use may be granted for a junk yard in the M-2 District, provided that:

- a. The lot for the proposed junk yard shall be not less than one but not more than five acres.
- b. Outdoor areas used for the processing, dismantling, cleaning or storage of parts, material or motor vehicles will be:
 - (1) At least 300 feet from any other zoning district, at least 50 feet from public street rights-of-way and at least 30 feet from property lines; and
 - (2) Enclosed by a solid wood or masonry wall or fence, 6 to 8 feet high, of a design approved by the Hearing Authority. Building walls may form part of the enclosure.
- c. No storage of tires shall be permitted.
- d. All toxic materials shall be properly disposed of in accordance with established Federal, State and County Regulations.

Section 131.0.N.31. Kennels and Pet Grooming Establishments

A Conditional Use may be granted in the RC, RR or R-20 Districts for kennels or pet grooming establishments, and in the B-1 District for kennels, provided that:

- a. For kennels housing or training eleven or more animals at one time, the following requirements shall apply:
 - (1) Minimum lot size5 acres
 - (2) Minimum setback for outdoor training and exercise areas and outside pens and runs from any lot line200 feet
 - (3) Minimum structure setback

- a) From public street right-of-way100 feet
 - b) From any other lot line200 feet
- (4) The Hearing Authority may reduce the 200 foot setback from lot lines for structures and outdoor training and exercise areas and outside pens or runs to a distance no less than 150 feet if it finds that the setback reduction will not adversely affect neighboring properties due to visual impact, noise, dust, odors or other causes, and that the outdoor training area, pen, run or structure will be located at least 200 feet from existing dwellings on different lots. Outside pens and runs and outdoor training and exercise areas for which this setback reduction is approved shall be enclosed by solid fences or walls.
- b. For pet grooming establishments not located completely within a residence, or for kennels housing or training no more than eight animals at any one time, the following requirements shall apply:
 - (1) Minimum lot size3 acres
 - (2) Minimum setback for outdoor training and exercise areas and outside pens and runs from any lot line150 feet
 - (3) Minimum structure setback:
 - a) From public street right-of-way75 feet
 - b) From any other lot line100 feet
- c. For pet grooming establishments in which all business activities take place within a residence, the minimum lot size shall be 40,000 square-feet.
- d. All parking areas and outside pens and runs, and as appropriate, all buildings shall be screened by landscaping or other suitable means from adjoining properties and public street rights-of-ways.
- e. Disposal of wastes must be such that odors or other emissions are not perceptible at lot lines;
- f. The lot shall have frontage on and direct access to a collector or arterial road designated in the General Plan.
- g. On an ALPP purchased or dedicated easement property, the following additional criteria are required:
 - (1) The use shall not interfere with farming operation or limit future farming production.
 - (2) Any new building or building addition associated with the use, including any outdoor storage and parking area shall count towards the cumulative use cap of 2% of the easement.

Section 131.0.N.[32]31. Landscape Contractors

A Conditional Use may be granted in the RC and RR Districts for landscape contractors, provided that:

- a. The site is at least 5 acres in area.
- b. Buildings and outdoor areas to be used for parking, loading and storage of vehicles, equipment and tools and supplies shall be delineated on the Conditional Use plan and located at least 100 feet from lot lines and public roads.
- c. The location and design of the operation shall be such that the use will not be a nuisance to neighboring properties due to noise, dust or fumes.
- d. Buildings used for storage or offices will be screened or compatible in scale and character with other residential or agricultural structures in the vicinity. If new structures or additions to structures are proposed, architectural elevations or renderings must be submitted with the petition.
- e. Outdoor parking and storage areas shall be screened from neighboring properties and roads.
- f. Minor repairs to vehicles or equipment are permitted, provided such activities take place inside a building. Body work, engine rebuilding, engine reconditioning, painting and similar activities are not permitted.
- g. The area used for parking and storage of commercial vehicles, equipment, materials and supplies, whether exterior or interior, shall be limited to no more than 5% of the area of the lot.
- h. The Hearing Authority shall set limits on the maximum number of employees and shall set the days and hours of operation.
- i. A snow removal service shall not be conducted as an accessory use unless specifically authorized by the Hearing Authority, upon a finding that the noise and level of activity of such a service will not be a nuisance to the neighborhood.
- j. On an ALPP purchased or dedicated easement property, the following additional criteria are required:
 - (1) The use shall not interfere with farming operations or limit future farming production.
 - (2) Any new building or building addition associated with the use, including any outdoor storage and parking area shall count towards the cumulative use cap of 2% of the easement.

Section 131.0.N.32. Limited Social Assemblies

A Conditional Use may be granted for limited social assemblies in the RC District, provided that:

- a. The lot is the site of a historic structure as defined in these Regulations.
- b. The minimum lot size is 5 acres or greater.
- c. If the driveway providing access to the proposed site is shared with other properties or has direct access to and frontage on a local road, the petitioner

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- shall demonstrate that the use will not result in damage to or deterioration of the shared driveway or in increased hazards to other users of the driveway or local road. The Hearing Authority shall prescribe appropriate conditions and safeguards to ensure the Conditional Use operator's responsibility for repair of any damage or deterioration of the shared driveway caused by the Conditional Use, including requirements for surfacing of access driveways.
- d. The petitioner shall provide a traffic management plan and a sight distance analysis.
 - e. The limited social assemblies are the following private functions: Picnics, weddings, anniversary/retirement parties, bridal or baby showers, not for profit organization fund raisers, banquets, rehearsal dinners, philanthropic events, or other similar events.
 - f. With the exception of restroom facilities if required by the Health Department, no permanent structures, including catering or restaurant facilities shall be constructed on site.
 - g. The outdoor assembly area is located and designed to shield residential property from noise or nuisance and screened from adjacent residential properties.
 - h. Limited social assembly events shall have the following limitations:
 - (1) Maximum capacity is not to exceed 150 attendees;
 - (2) No more than 25 of these events shall be held within a one year period.
 - (3) Operation hours shall be restricted to between 9:00 a.m. and 10:00 p.m., Monday thru Thursday; between 12:00 p.m. and 12:00 a.m., Friday and Saturday; and between 12:00 p.m. and 10:00 p.m., Sunday.
 - i. All event activities shall occur outdoors except that interior spaces in existing structures over 50 years old, limited to barns or other similar farm structures which are existing at the time of the Conditional Use application, may be utilized. Event activities within enclosed tents are permitted, however.
 - j. Special events with catered food or food prepared on-site are subject to review by the food protection program of the Howard County Department of Health and may require a special events permit. The Conditional Use may not commence until the applicant has obtained approval of all necessary permits for its operation.
 - k. On an ALPP purchased or dedicated easement property, the following additional criteria are required:
 - (1) The use shall not interfere with farming operations or limit future farming production.

- (2) Any new building or building addition associated with the use, including any outdoor storage and parking area shall count towards the cumulative use cap of 2% of the easement.

Section 131.0.N.33. Mobile Homes for Security Purposes

A Conditional Use may be granted in the M-1 or M-2 District for one mobile home to be used for security purposes, provided that the property contains an outdoor storage facility for equipment, supplies or products in connection with a use permitted in the M-1 or M-2 District. The petitioner shall demonstrate that there is a need for the mobile home as a security measure.

Section 131.0.N.34. Movie Theaters, Legitimate Theaters, Dinner Theaters

A Conditional Use may be granted in the M-1, M-2 or CE Districts for movie theaters, legitimate theaters and dinner theaters, provided that a determination is made by the Hearing Authority that such use will not constitute a nuisance because of sidewalk or street traffic, noise or physical activity, that such use will not adversely affect the use of adjoining properties, and that adequate off-street parking facilities are available in close proximity to the proposed use.

Section 131.0.N.35. Museums and Libraries

A Conditional Use may be granted in the RC and RR Districts, on properties that are not ALPP purchased or dedicated easement properties, and in the R-ED or R-20 Districts for museums, art galleries, and libraries, provided that a determination is made by the Hearing Authority that such use will not constitute a nuisance because of sidewalk or street traffic, noise or physical activity, and that such use will not tend to adversely affect the use and development of adjoining properties.

Section 131.0.N.36. Nonprofit Clubs, Lodges, Community Halls and Camps

A Conditional Use may be granted in the RC and RR Districts, on properties that are not ALPP purchased or dedicated easement properties, and in the R-ED, R-20, R-12, R-SC, R-SA-8 and R-H-ED Districts for nonprofit clubs, including health or athletic clubs, and similar nonprofit organizations, provided that:

- a. Buildings, parking areas and outdoor activity areas will be at least 50 feet from adjoining residentially-zoned properties other than public road right-of ways.
- b. At least 20% of the area within the building envelope shall not be used for buildings, parking areas or driveways. The building envelope is formed by the required structure and use setbacks of the Zoning Regulations for the zoning district and the Subdivision and Land Development Regulations.

- c. Outdoor uses will be located and designed to shield residential property from noise or nuisance. The Hearing Authority may set the days and hours of operation for outdoor uses.
- d. The site has frontage on and direct access to a collector or arterial road designated in the General Plan.
- e. In the RC and RR Districts, the minimum lot size is three acres. In the R-ED, R-20, R-12, R-SC, R-SA-8, and R-H-ED Districts, the minimum lot size is one acre.

Section 131.0.N.37. Nursing Homes and Residential Care Facilities

A Conditional Use may be granted in the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, R-APT, R-MH, R-VH, CAC and TNC Districts for nursing homes and residential care facilities, provided that:

- a. The facility shall have 16 or fewer beds.
- b. The minimum lot size for a new facility is one acre. An existing facility does not have to comply with this criteria.
- c. The design of new structures or additions to existing structures will be compatible in scale and character with residential development in the vicinity, as demonstrated by architectural elevations or renderings that shall be submitted with the petition.
- d. Buildings, parking areas and outdoor activity areas will be at least 50 feet from adjoining residentially-zoned properties other than public road right-of-ways.
- e. At least 20% of the area within the building envelope shall not be used for buildings, parking areas or driveways. The building envelope is formed by the required structure and use setbacks of the Zoning Regulations for the zoning district and the Subdivision and Land Development Regulations.

Section 131.0.N.38. Pet Day Care Facilities

A Conditional Use may be granted in the RC, RR or R-20 Districts for pet day care facilities, provided that:

- a. The minimum lot size shall be one acre.
- b. All day care business functions must be completely enclosed within a building. Indoor noise must not be perceptible at lot lines.
- c. The Hearing Authority may set hours of operation and limitations on the number and type of pets cared for.
- d. The facility shall not be located on a shared driveway.
- e. Parking areas shall be located and landscaped to minimize visibility from roads and adjacent residential properties.
- f. There shall be no overnight boarding of pets.

- g. Outdoor areas for walking or exercising pets may be permitted provided that pets shall not be left unattended in such an area. The Hearing Authority may set a limit on the number of pets permitted simultaneously in the outdoor area. The perimeter of this outdoor area shall be fenced and landscaped to ensure that animals are confined to the property and to minimize the visibility of the enclosure. All fencing shall comply with all requirements for fences as noted elsewhere in Section 128.0. The petitioner must clearly delineate the outdoor area on the Conditional Use plan.
- h. Disposal of wastes must be such that odors or other emissions are not perceptible at lot lines.
- i. On an ALPP purchased or dedicated easement property, the following additional criteria are required:
 - (1) The use shall not interfere with farming operations or limit future farming production.
 - (2) Any new building or building addition associated with the use, including any outdoor storage and parking area shall count towards the cumulative use cap of 2% of the easement.

Section 131.0.N.39. Produce Stands

A Conditional Use may be granted in the R-20 District for a produce stand, provided that:

- a. The use may not be located on a lot less than one acre nor larger than two acres.
- b. The produce stand shall be the sole use on the property.
- c. The use may include the retail sale of crops, produce, flowers, plants and seasonal displays, baked goods, dairy products and bottled/package food products.
- d. The site has frontage on and direct access to a minor arterial road as designated in the General Plan.

Section 131.0.N.40. Quarries—or Rock, Stone, Sand Excavations

A Conditional Use may be granted in the RC District, on properties that are not ALPP purchased or dedicated easement properties, and in the M-1 or M-2 Districts for quarries and similar excavations for sand, rock, stone and minerals, provided that:

- a. In the M-1 District, accessory processing uses such as concrete manufacture may be permitted if approved by the Hearing Authority.
- b. The approved portion of the tract shall have a peripheral buffer area 100 feet in width which shall be retained in its natural topographic condition, undisturbed by excavation or mining or other associated uses. The setback area shall not be used for any purpose except planting, fencing and roads for ingress and egress to the tract.
- c. The height of structures and any man-made landforms may be limited by the Hearing Authority.

- d. Equipment for washing, sorting, crushing, grinding, loading, unloading, spreading, weighing, screening, sizing or similar operations shall not be located within three hundred feet of a property line, except that the Hearing Authority may permit sedimentation ponds to be closer than 300 feet, but not closer than 100 feet to such property line if the applicant demonstrates the topographic necessity of such a location and that sufficient safeguards will be provided for the protection of neighboring residents and uses.
- e. All operations shall be conducted in a safe manner with respect to the likelihood of hazard to persons, physical or environmental damage to lands and improvements and damage to any street, bridge or public right-of-way as a result of the development or operation of the quarry.
- f. Existing trees and ground cover along public road frontage and lot lines shall be preserved, maintained and supplemented by selective cutting, transplanting, and addition of new trees, shrubs and ground cover.
- g. Excavated areas shall be maintained thoroughly drained, except for draining and ponding areas which are used for production.
- h. All driveways serving the facility shall be treated or surfaced as necessary to control dust.
- i. The Hearing Authority shall limit the permit to operate such quarry to a specific expiration date.
- j. Operation hours shall be restricted to between 7:00 a.m. and 6:00 p.m. No blasting shall be permitted between the hours of 6:00 p.m. and 7:30 a.m. No operation shall be permitted on Sundays except for repairs to equipment. Only sales and deliveries may be permitted on Saturdays.
- k. The Conditional Use plan submitted with the Conditional Use application shall show the following:
 - (1) Setback area, including screening and fencing.
 - (2) Portion of tract, if any, actually being excavated, and proposed excavation areas;
 - (3) Existing and proposed structures and major mechanical equipment;
 - (4) Existing and proposed access roads;
 - (5) Water supply and sewage disposal;
 - (6) All necessary pollution control measures;
 - (7) Stockpile area;
 - (8) Points of access to the site and provisions to control unauthorized entry to the site along the entire perimeter;
 - (9) Survey boundaries of the subject property and proposed operation based on the Maryland State Plane Coordinate System.
 - (10) A road condition study to determine the adequacy of the structural elements serving the site for truck traffic to be generated by the quarry.

1. Reclamation Plan

A reclamation plan at a scale of 1" = 200' shall be submitted at the time of the Conditional Use application setting forth a plan for reclamation of the permit area. A reclamation contour plan showing contour intervals of 2 feet shall be included, indicating the general grades and slopes to which excavated or filled areas are to be graded. A description of the methods and materials proposed for rehabilitation of topsoil shall be specified. The reclamation schedule shall include specific information relating to regrading, drainage, landscaping, erosion backfilling, removal of machinery and structures, and closing of access roads. No reclamation plan shall be approved unless it provides for the following minimum program.

- (1) **Regrading**—All disturbed land shall be regraded as required by the Maryland Department of Natural Resources. Whenever the site of an excavation for a quarry is greater than 50% grade, the excavated area shall be fenced with a durable galvanized fence six feet high, located not less than 20 feet from the edge of excavation. The County shall have the right to enter and repair or maintain such fence whenever the property owner shall fail to do so. The property owner shall be liable to the County for the cost of the repairs or maintenance.
- (2) **Landscaping, Erosion, Backfilling**—All piles of disturbed earth or material resulting from the excavating or filling operation shall be graded to a smooth contour to control erosion and to prevent ponding and undrained water pockets. The graded area shall be covered with suitable soil to sustain growth, then vegetatively stabilized using a perennial cover species as recommended by the County Soil Conservation District.
- (3) **Removal of Machinery and Structures**—All machinery and structures shall be completely removed and underlying excavations filled to grade, except structures or machinery that are to be continued in operation for a use permitted under the zoning classification.
- (4) **Access Roads**—Upon the abandonment of excavation operations on any site or portion thereof in the permit areas, all access roads shall be suitably barricaded to prevent the passage of vehicles either into or out of the abandoned area, except such access as needed for vehicles engaged in rehabilitation work, until the plan for rehabilitation has been completed and other use necessitating access has been commenced on the property.

- (5) Adequate Collateral or Bonds—Detailed engineering studies shall be provided by the petitioner setting forth the estimated cost of the accepted plan for rehabilitation. Such studies shall be submitted for the approval and periodic review of the Hearing Authority. A bond shall be provided or adequate collateral shall be kept in escrow, drawing interest to the benefit of the petitioner, to cover the estimated cost of the accepted plan for rehabilitation. Such bond or money shall only be released upon completion of the rehabilitation program.
- m. No excavation or processing operations shall be commenced on land in the permit area until all persons having an interest of record in said land shall cause to be recorded among the land records of the County:
 - (1) A description of the area included within the permit area,
 - (2) The application number and the date the permit was granted by the Hearing Authority,
 - (3) A statement indicating that use of the land will be in accordance with an approved Site Development Plan and an approved rehabilitation plan, and
 - (4) A declaration binding their heirs and assigns to utilize the land in accordance with said Site Development Plan and rehabilitation plan until excavation processing or filling operations cease and rehabilitation of the land is completed.
- n. The County and the applicant shall enter into an agreement providing that, should the quarry have been operated in violation of any of the provisions or conditions of the Conditional Use including failure to comply with an approved rehabilitation plan, in such a way as to require corrective action, the applicant shall cause the corrective action to be taken. The agreement shall further stipulate that, should the applicant fail to take the necessary corrective action within 30 days of written notice from the County to do so, the required bonds or collateral will be forfeited and the County may cause corrective actions to be commenced. In addition, the applicant shall agree to pay the cost for corrective action which exceed the bond or collateral amount.
- o. In the RC District, the minimum lot size is 25 acres.

Section 131.0.N.41. Religious Facilities, Structures and Land Used Primarily for Religious Activities

A Conditional Use may be granted in the RC and RR Districts, on properties that are not ALPP purchased or dedicated easement properties, and in the R-ED, R-20, R-12, R-SC, R-

SA-8, R-H-ED, R-A-15, R-APT, R-MH, or R-VH Districts for structures and land used primarily for religious activities provided that:

- a. The minimum lot size in the RC and RR Districts is three acres and the minimum lot size in the other districts is one acre, however, existing religious facilities previously approved as a Special Exception or a Conditional Use are exempted from this requirement. Lot coverage shall not exceed 25% of the lot area.
- b. Structures may be erected to a greater height than permitted in the district in which it is located, provided that the front, side and rear setbacks shall be increased one foot for each foot by which such structure exceeds the height limitation.
- c. The access to the facility shall not be on a driveway or private road shared with other uses.
- d. The Hearing Authority may approve parking facilities which are accessory to a religious facility, and are located on a separate lot, but do not meet the location requirements of Section 133.0.B.4.d of the parking regulations by being separated from the religious facility by a public street, if the Hearing Authority finds that the accessory parking facility complies with the following criteria:
 - (a) The accessory parking facility is not separated from the lot containing the principal use by an arterial highway of any category.
 - (b) A pedestrian street crossing connecting the accessory parking facility lot to the principal use lot is provided and is made clearly noticeable to drivers by means of both pavement marking and signs
 - (c) The pedestrian street crossing is safe, based upon such factors as, but not limited to: traffic volume at the times(s) of the use of the accessory parking facility; practical traffic speeds; sight distance; length of the crossing; and adequate markings and signage.
 - (d) The entire pedestrian pathway from the accessory parking facility to the principal religious facility is a durable, paved, no-step path.

Section 131.0.N.42. Residential/Commercial Buildings

- a. A Conditional Use may be granted in the POR, B-1 and B-2 Districts in the planned public water and sewer service area for residential/commercial buildings, provided that:
 - (1) The site is at least 5 acres but not more than 15 acres.
 - (2) Two square feet of residential space is permitted for each square foot of commercial space and must be located within the same structure.
 - (3) All residential units shall be located above the first floor.
 - (4) Appropriate landscape buffering from adjacent land-uses shall be provided.
 - (5) Proposed residential/commercial buildings shall be compatible with on- and off-site commercial development.

- b. A Conditional Use may be granted in the B-1 and B-2 Districts located outside of the planned public water and sewer service area for residential/commercial buildings, provided that:
- (1) The site is at least 1 acre but not more than 5 acres.
 - (2) Two square feet of residential space is permitted for each square foot of commercial space and must be located within the same structure.
 - (3) All residential units shall be located above the first floor.
 - (4) Appropriate landscape buffering from adjacent land-uses shall be provided.
 - (5) Proposed residential/commercial buildings shall be compatible with on- and off-site commercial development.

Section 131.0.N.43. Retreat Center

A Conditional Use may be granted in the RC and RR Districts, on properties that are not on ALPP purchased or dedicated easement properties, and in the R-ED or R-20 Districts for a retreat center provided that:

- a. The minimum lot area shall be six acres.
- b. A buffer area at least 50 feet wide shall be maintained between structures or uses and adjacent residentially-zoned land other than a public road right-of-way.
- c. Adequate landscaping or other acceptable forms of buffering shall be provided to screen all parking and, if appropriate, structures and outdoor activity areas from residential properties.
- d. No retail or wholesale sales of any kind shall be permitted.
- e. All parking shall be located on site.
- f. The types of principal and accessory uses and the level of activity on the site are specified including but not limited to the frequency and length of meetings or events, the maximum number of day and overnight guests, and uses of outdoor areas.
- g. The design of new structures or additions to existing structures will be compatible in scale and character with residential development in the vicinity, as demonstrated by architectural elevations or renderings submitted with the petition.
- h. The access to the facility shall not be on a driveway or private road shared with other uses.

Section 131.0.N.44. Rubble Landfill and Land Clearing Debris Landfill Facilities

A Conditional Use may be granted in the M-1 District (or in any other district with respect to land which has been previously mined or excavated pursuant to the grant of a Conditional Use specifically for quarrying or excavations for sand, rock, stone and

minerals uses) for a land clearing debris landfill facility or rubble landfill facility, provided that:

- a. Only non-hazardous material shall be received for disposal on the site.
- b. The waste materials which may be accepted at the rubble fill facility, unless specifically prohibited by the Hearing Authority, are:

- (1) Land Clearing Debris, as defined in these Regulations.

- (2) Demolition Debris—The types of demolition debris that may be accepted for disposal are as follows:

- a) Acceptable demolition debris associated with the razing of buildings, roads, bridges, and other structures includes structural steel, concrete, bricks (excluding refractory type), lumber, plaster and plasterboard, insulation material, cement shingles and roofing material, floor and wall tile, asphalt, pipes and wires, and other items physically attached to the structure, including appliances if they have been or will be compacted to their smallest practical volume.

- b) Unacceptable demolition debris includes industrial waste or byproducts, any waste materials contained within the structure or on the grounds of the structure being demolished that are not physically part of the structure, or which are comprised of or contain materials that pose an undue risk to public health or the environment.

- (3) Construction Debris—The types of construction debris that may be accepted for disposal are as follows:

- a) Acceptable construction debris is structural building materials including cement, concrete, bricks (excluding refractory type), lumber, plaster and plasterboard, insulation, shingles, floor, wall and ceiling tile, pipes, glass, wires, carpet, wallpaper, roofing, felt, or other structural fabrics. Paper or cardboard packaging, spacing, or building materials, provided that they do not exceed 10% by volume of the waste, may be accepted at the rubble landfill. Paint containers, caulk containers, or glaze containers, provided that they are empty, and any residual material which is dried before acceptance at the rubble fill, and further provided that this waste category does not exceed 1% by volume of the waste accepted at the rubble fill.

- b) Unacceptable construction debris includes commercial, domestic, or industrial wastes or by-products, paint, tar or tar containers, caulking compounds, glazing compounds, paint thinner or other solvents or their containers, creosote or other

preservatives or their containers, tile, paneling, or carpet cement or other adhesives, and other solid waste which may contain an unacceptable waste or substance as may be determined by the approving authority to be unacceptable.

- (4) Tires, asbestos waste and appliances may be accepted for disposal in accordance with the requirements of the State of Maryland Department of the Environment for proper disposal of these materials.
- c. The waste materials which may be accepted at the land clearing debris fill facility are restricted to land clearing debris as defined in these Regulations.
 - d. The Hearing Authority may further limit the waste materials which may be accepted at or disposed of in a land clearing debris landfill facility or a rubble landfill facility upon a finding of a specific adverse effect associated with the acceptance or disposal of such waste materials on the proposed site. The Hearing Authority shall approve the method by which unacceptable materials, which are delivered to the site, will be segregated and handled for final removal and disposal.
 - e. In addition to all other required setbacks, the following use setbacks shall apply, except for landfill facilities on permitted quarry sites, in which case the Hearing Authority shall establish setback requirements on a case-by-case basis:
 - (1) From an existing residence on a different lot500 feet
 - (2) From adjacent residentially zoned lots300 feet
 - (3) From public street and utility rights-of-way100 feet
 - (4) From existing streams and wetlands100 feetThe approved portion of the tract shall have a surrounding landscaped buffer at least 100 feet wide which shall be retained in its existing topographic condition and undisturbed by excavation or fill. The buffer area shall not be used for any purpose except planting, fencing and roads for ingress and egress to the tract. In the event that the provision of a 100-foot buffer is not feasible, the applicant shall provide for alternative means of buffering in concert with a Site Development Plan. Within the approved portion of the tract, all land within 50 feet of a stream or wetland shall be retained in its existing topographic condition and undisturbed by excavation or fill.
 - f. Existing trees and ground cover along public road frontage and lot lines shall be preserved, maintained and supplemented by selective cutting, transplanting, and addition of new trees, shrubs and ground cover.
 - g. The height of structures and any man-made land forms may be limited by the Hearing Authority.
 - h. Equipment for washing, sorting, crushing, grinding, loading, unloading, spreading, weighing, screening, sizing or other operations associated with a land clearing debris landfill facility or a rubble landfill facility shall not be located within one hundred feet of a property line. Sedimentation ponds shall not normally be located

closer than 300 feet from a property line. However, the Hearing Authority may permit sedimentation ponds to be closer than 300 feet, but not closer than 100 feet from a property line, if the applicant demonstrates the topographic necessity of such a location and that sufficient safeguards will be provided for the protection of neighboring residents and uses.

- i. All operations shall be conducted in a safe and environmentally sound manner with respect to the likelihood of hazard to persons or damage to lands, natural resources, improvements, streets, bridges, or public rights-of-way as a result of the development or operation of the facility.
- j. Any area under excavation shall be maintained in a thoroughly drained condition. Fill areas shall be maintained at all times by burial of material received for disposal.
- k. Operation hours for excavation, processing and filling operations shall be restricted to between 7:00 a.m. and 6:00 p.m. No operation shall be permitted on Sundays except emergency repairs to equipment and the fill site.
- l. The Conditional Use plan submitted with the Conditional Use application shall show the following:
 - (1) Setback and buffer area, including type of screening and fencing;
 - (2) Portion of tract, if any, actually being excavated, and proposed fill areas;
 - (3) Portion of tract, separate from fill areas, to be used for recycling operations including areas for unloading, storage, processing, and loading.
 - (4) Existing and proposed structures and major mechanical equipment;
 - (5) Existing and proposed access roads;
 - (6) Water supply and sewage disposal including any liquid waste generated by processing and filling operations;
 - (7) Stockpile area;
 - (8) Other uses and their extent on the property;
 - (9) Existing or proposed points of access to the site and provisions to control unauthorized entry to the site along the entire perimeter;
 - (10) Areas to be used for rubble and/or land clearing debris disposal shall be identified either as non-buildable areas or as future building sites;
 - (11) Survey boundaries of the subject property and proposed operation based on the Maryland State Plane Coordinate System;
 - (12) A road condition study to determine the adequacy of the structural elements serving the site for truck traffic to be generated by the landfill;
 - (13) A noise, litter and dust control plan;
 - (14) Storm water management facilities for quantity and quality control;
 - (15) The length of time the facility is expected to be in operation.
- m. Rehabilitation Plan

A rehabilitation plan at a scale of 1" = 200' shall be submitted with the Conditional Use application for all areas to be filled with land clearing debris or rubble or used for processing and recycling operations. A rehabilitation contour plan showing contour intervals of two feet shall be included, indicating the general grades and slopes to which excavated or filled areas are to be graded. A description of the methods and materials proposed for rehabilitation to top cover shall be specified. No rehabilitation plan shall be approved unless it provides for the following minimum rehabilitation program:

- (1) **Regrading**—All disturbed land shall be regraded so that no slope exceeds a maximum of 50% grade.
- (2) **Landscaping, Erosion, Backfilling**—All piles of disturbed earth or material resulting from the excavating or filling operation shall be graded to a smooth contour to control erosion and to prevent ponding and undrained water pockets. The disturbed area shall be graded, covered with suitable soil to sustain growth, and then vegetatively stabilized using a perennial cover species as recommended by the County Soil Conservation District.
- (3) **Removal of Machinery and Structures**—All machinery and structures shall be completely removed and underlying excavations filled to grade, except structures or machinery that are to be continued in operation for a use permitted under the zoning classification.
- (4) **Access Roads**—Upon the abandonment of filling operations on any site or portion thereof in the area covered by a Conditional Use approved under this section, all access roads shall be suitably barricaded to prevent the passage of vehicles either into or out of the abandoned area, except such access as needed for vehicles engaged in rehabilitation work, until the plan for rehabilitation has been completed and other use necessitating access has been commenced on the property.

Section 131.0.N.45. Sawmills, Bulk Firewood Processing, Mulch Manufacture, or Soil Processing

A Conditional Use may be granted in the RC or RR Districts for sawmills, bulk firewood processing, mulch manufacture, or soil processing provided that:

- a. Buildings and structures used for processing activities, equipment and outdoor uses associated with the operation shall be at least 500 feet from existing residences on different lots and at least 300 feet from property lines. Buildings or structures which are principally used for storage and which are not used for processing activities shall be at least 100 feet from property lines.

- b. All required State and Federal permits have been obtained. The hearing authority, as a condition of approval, may impose requirements which are more stringent than the requirements of the State and Federal permits.
- c. Parking, storage areas and equipment shall be screened from adjoining properties and public roads by landscaping or other appropriate means.
- d. Hours of operation shall be established by the Hearing Authority.
- e. Retail sales of materials produced on-site may be permitted if specifically approved by the Hearing Authority.
- f. The minimum lot size is 10 acres.
- g. The vehicular access to the use shall be from an arterial OR collector highway and not from a local road unless authorized by the Hearing Examiner.
- h. On an Agricultural Land Preservation easement property, sawmills and bulk firewood processing are permitted with the following required additional criteria:
 - (1) The use shall not interfere with farming operations or limit future farming production.
 - (2) Any new building or building addition associated with the use, including any outdoor storage and parking area shall count towards the cumulative use cap of the easement.

Section 131.0.N.46. School Buses, Commercial Service

A Conditional Use may be granted in the RC, RR, R-20 or R-12 Districts for commercial school bus service businesses, as defined in these Regulations, provided that:

- a. All vehicles parked or stored outside of a building shall be screened from adjoining properties;
- b. No vehicles shall be parked or stored within the structure or use setback requirements of the district in which they are located;
- c. Any parking spaces occupied by such vehicles shall be provided in addition to all other required parking spaces;
- d. Only minor repairs to such vehicles shall be permitted and such minor repairs may only be done in a building. In no case shall body work, engine rebuilding, engine reconditioning or collision services be permitted;
- e. The storage or parking of the number of vehicles registered as school buses on lots or parcels in the RC, RR, R-20 and R-12 Districts on the effective date of this amendment (Zoning Board Case 715, effective July 25, 1978) shall be deemed valid nonconforming uses in those districts.
- f. The minimum lot size in the RC and RR Districts for a new commercial school bus service business is three acres. The minimum lot size in the R-20 and R-12 Districts for a new commercial school bus service business is one acre. An existing commercial school bus service business is not required to comply with this criteria.

- g. For a new commercial school bus service business, the area used for vehicle parking shall be at least 200 feet from an existing dwelling on a different lot. An existing commercial school bus service business is not required to comply with this criteria.
- h. On an ALPP purchased or dedicated easement property, the following additional criteria are required:
 - (1) The use shall not interfere with farming operations or limit future farming production.
 - (2) The use shall operate within a one-half acre area specified on the Conditional Use plan.
 - (3) Any parking areas shall count towards the cumulative use cap of 2% of the easement.

Section 131.0.N.47. Schools, Colleges, Universities—Private (Academic)

A Conditional Use may be granted in the RC and RR Districts, on properties that are not ALPP purchased or dedicated easement properties, and in the R-20, R-ED, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, R-APT, R-MH, or R-VH Districts for private academic schools, colleges and universities, (not including nursery schools) provided that:

- a. The maximum density permitted is 60 pupils per acre for lots less than three acres, and 100 pupils per acre for lots three acres or greater.
- b. In addition to meeting the minimum area requirements above, schools with residence accommodations shall provide an additional 500 square feet of lot area per site resident. Residents shall include students, staff members, caretakers and their families who reside on the site.
- c. A private school may be erected to a greater height than permitted in the respective district, provided that no structure is more than three stories in height and the front, side and rear setbacks shall be increased two feet for each foot by which such structure exceeds the height limitation.
- d. Sufficient off-street school bus loading areas shall be provided if bus service is provided for students.
- e. Outdoor uses will be located and designed to shield residential property from noise or nuisance. Play areas, athletic fields and similar uses shall be buffered from residential properties by fencing, landscaping, adequate distance or other appropriate means.
- f. Buildings, parking areas and outdoor activity areas will be at least 50 feet from adjoining residentially-zoned properties other than a public road right-of-way.
- g. At least 20% of the area within the building envelope will be green space, not used for buildings, parking area or driveways. The building envelope is formed by the required structure setbacks from property lines and public street rights-of-way.

- h. The site has frontage on and direct access to a collector or arterial road designated in the General Plan, except that expansions of a Conditional Use that was approved prior to July 12, 2001 are permitted.
- i. The minimum lot size in the RC and RR Districts for a new private academic facility is three acres. The minimum lot size in the R-20, R-ED, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, R-APT, R-MH, or R-VH Districts for a new private academic facility is one acre. An existing private academic facility is not required to comply with this criteria.

Section 131.0.N.48. Shooting Ranges—Outdoor Rifle, Pistol, Skeet and Trap

A Conditional Use may be granted in the RC District, on properties that are not ALPP purchased or dedicated easement properties for shooting ranges, provided that:

- a. Discharging of firearms shall not be permitted within 500 feet of any property line.
- b. Such range is constructed in such a manner as to eliminate all danger to persons or property from flying projectiles. The area between the firing point and target shall be baffled, fenced or otherwise shielded so that fired projectiles cannot escape the range area. Safety design should be in accordance with accepted standards and practices.
- c. A minimum lot area of 75 acres is provided for all rifle and pistol ranges. A minimum of 25 acres shall be provided for all skeet and trap shooting ranges.
- d. The manner and times of operation, the design of the range and the topographic features of the site shall be such that noise and activity from the use will not disturb neighboring residential uses.
- e. The applicant shall demonstrate that the use complies with the requirements of the Department of Inspections, Licenses and Permits for such uses.
- f. The Hearing Authority shall set the days and hours of operation.

Section 131.0.N.49. Small Wind Energy Systems, Building Mounted

A Conditional Use may be granted in the R-ED, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, and R-APT Districts for building mounted small wind energy systems as defined in these Regulations, provided:

- a. The systems shall be primarily intended to reduce the on-site consumption of utility power.
- b. The systems are permitted only on the principal structure.
- c. The systems shall be located on the roof or sides of a structure that are at least 25 feet in height.
- d. The systems shall comply with the principal building setbacks.
- e. The height of the system shall not extend more than 15 feet above the ridge of the highest roof section.

- f. In the R-ED and R-SC Districts, systems are only permitted on single-family attached dwellings.
- g. In the R-12 District, systems are only permitted on semi-detached dwellings.
- h. Only one system per lot is permitted on properties less than 3 acres in area.
- i. Only one system is permitted per building side on properties 3 acres or greater in area.
- j. The systems shall not exceed 60 DBA, as measured at all lot lines. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.
- k. All systems shall be gray or a similar color that minimizes visibility.
- l. No exterior lighting is permitted.
- m. The systems shall comply with all applicable local, state, and federal laws and provisions.
- n. Meteorological towers, solely for the measurement of wind, temporary or otherwise, are not permitted
- o. A system that is no longer used shall be removed from the site within one year of the date that the use ceases.

Section 131.0.N.50. Small Wind Energy Systems, Freestanding Tower

A Conditional Use may be granted in the R-ED, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, and R-APT Districts for building mounted small wind energy systems as defined in these Regulations, provided:

- a. The systems shall be primarily intended to reduce the on-site consumption of utility power.
- b. Maximum height for tower mounted systems, including blades, shall not exceed 60 feet from grade. However, on farms greater than 25 acres the maximum height for tower mounted systems, including blades, shall not exceed 120 feet from grade.
- c. The minimum lot size shall be at least 2 acres, except in the R-ED District where the minimum lot size shall be 5 acres.
- d. The system shall not be located within the front yard between the principal structure and the front property line.
- e. The minimum setback for a system shall equal its total height, plus 10% from any property line.
- f. The systems shall not exceed 60 DBA, as measured at all lot lines. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.
- g. Temporary meteorological towers, solely for the measurement of wind, are permitted for an initial period not to exceed 90 days, provided they meet the height and setback requirements of this section and achieve a Temporary Use permit in accordance with Section 132.0, except that there shall be no further extensions of,

or new petition for, a Temporary Use permit which has already been extended to the one year limit.

- h. The blade of any wind turbine shall, at its lowest point, have a ground clearance of no less than 15 feet, as measured at the lowest point of the arc of the blades.
- i. No other equipment unrelated to the operation of the system shall be attached to the structure.
- j. No exterior lighting is permitted, unless required by the Federal Aviation Administration.
- k. The system shall comply with all applicable local, state, and federal laws and provisions.
- l. A system that is no longer used shall be removed from the site within one year of the date that use ceases.
- m. On an ALPP purchased or dedicated easement property, the following additional criteria are required.
 - (1) The use shall not interfere with farming operations or limit future farming production.
 - (2) Any new building addition associated with the use, including any outdoor storage and parking area shall count towards the cumulative use cap of 2% of the easement.

Section 131.0.N.51. Solar Collector Facility, Commercial Ground-Mount

A Conditional Use may be granted in the RC, RR District for a commercial ground-mount solar collector facility, provided that:

- a. The parcel on which the commercial ground-mount solar collector facility is proposed must be a minimum of 10 acres in size. The maximum size of a solar facility shall be 75 acres notwithstanding the size of the parcel. However, on parcels which are in the Agricultural Land Preservation Program, the maximum size shall be 16 acres or 20% of the property, whichever is less.

However, a ground-mount solar collector facility on an Agricultural Preservation Parcel can be increased to a maximum of 34% of the parcel by the Hearing Authority if the Hearing Authority finds that the use shall not interfere with farming operations or limit future farming production. The Hearing Authority shall consider the following:

- (1) A. At least 60% of the acreage outside of the ground-mount solar collector facility area is viable for a farm operation, inclusive of farm buildings needed for the farm operation; and
 - B. The remaining soils capability are more than 50% USDA Classes I—III and more than 66% USDA Classes I—IV or;
- (2) The additional acreage above the allowable 20% for the CSF is unsuitable for farming.

- b. All structures and uses must meet a minimum 50 foot setback from all property lines.
- c. No structure or use may be more than 20 feet in height.
- d. A 'Type D' landscaping buffer must be provided around the perimeter of the proposed commercial ground-mount solar collector facility unless the Hearing Authority determines that an alternative buffer is sufficient.
- e. All security fencing must be located between the landscaping buffer and the commercial ground-mount solar collector facility.
- f. The systems shall comply with all applicable local, state, and federal laws and provisions.
- g. A commercial ground-mount solar collector facility that is no longer used shall be removed from the site within 6 months of the date that the use ceases. The Property Owner shall secure this obligation by maintaining a bond, escrow, or other form of security, in an amount equal to the estimated future cost of removal, that is acceptable to the Director of Finance.
- h. The premises shall be maintained at all times in a clean and orderly condition, including the care or replacement of plant materials required in the landscaping plan. The responsibility for compliance with this provision shall be with all parties having a lease or ownership interest in the commercial ground-mount solar collector facility. The applicant shall provide the Hearing Authority with details regarding maintenance and access for the site.
- i. The applicant shall agree to register all solar collectors with the Department of Fire and Rescue Services. The registration shall include a map of the solar facility noting the location of the solar collectors and the panel disconnect.
- j. Tree removal shall be minimized and reforestation shall be done in accordance with Section 16.1026 of the Howard County Code.
- k. Scenic Views.
 - (1) The applicant shall demonstrate that the solar facility does not harm the scenic characteristics of the view of or from:
 - A. A public park;
 - B. A national or state designated scenic byway;
 - C. A road listed in the Scenic Roads Inventory adopted under Section 16.1403 of the Howard County Code; or
 - D. A historic structure as defined in Section 16.601 of the Howard County Code.
 - (2) Visual Impact Analysis Required to Demonstrate Minimal Impact to or from Scenic Views
 - A. The Conditional Use petition shall include a visual impact analysis mapping all viewshed impacts and any proposed mitigation. This analysis shall include mapped visual impact assessments of all

important or critical viewpoints or elevations from which the solar facility can be seen from a fixed vantage point. For purposes of this subsection, A viewshed is a topographically defined area including all critical observation points from which the solar facility is viewed.

- B. If the visual impact assessment as mapped particularly interferes with and compromises critical observation points within the viewshed that warrant viewshed protection, the petitioner shall mitigate the view through additional landscaping or other forms of mitigation, including reconfiguration of the solar panels, or as may be required by the Hearing Authority.
 - C. Fencing along road frontage or the perimeters of the commercial ground-mount solar collector facility site where the fencing would be visible shall be constructed of a material and design consistent with the character of the roadway or area.
 - D. The petition shall include a landscape plan.
- I. The Howard County Agricultural Preservation Board shall review any Conditional Use petition which proposes to build a new commercial ground-mount solar collector facility on parcels which are in the Agricultural Land Preservation Program prior to approval by the Hearing Authority, using a two-step review process, in the following manner:
 - (1) Prior to scheduling and convening a presubmission community meeting pursuant to Howard County Zoning Regulations Section 131.0.f.1, the petitioner shall submit a proposed concept plan for a commercial ground-mount solar collector facility on a parcel or parcels in the Agricultural Land Preservation Program to the Howard County Agricultural Preservation Board for advisory review as to whether the siting of the commercial ground-mount solar collector facility on the parcel or parcels supports the primary agricultural purpose of the easement property or is an ancillary business which supports the economic viability of the farm.
 - A. Preliminary review: The Agricultural Preservation Board shall conduct a preliminary review of a concept plan to review the placement of the proposed facility and the remaining soil capability. The materials submitted for the preliminary review shall include, at a minimum, a letter signed by the property owner requesting the commercial ground-mount solar collector facility, a concept plan depicting proposed locations for the facility and a soil classification analysis, consistent with the provisions of the Agricultural Preservation Board's commercial Solar Facilities Policy. The Concept Plan should show at least two potential placements of the CSF on the property to allow the APB an

- opportunity to advise on the best placement of the solar facility to minimize negative impacts on the farming operation.
- B. Final Review: The materials submitted for final review shall include, at a minimum, a copy of the Agricultural Land Preservation Program easement, a copy of the Howard County Soil Conservation and Water Quality Plan, and a copy of the proposed final concept plan.
 - (2) The Board's advisory review shall be in writing.
 - (3) The petitioner shall make the Board's advisory review available at the presubmission community meeting.
 - (4) The Department of Planning and Zoning's Technical Staff Report on the petition shall include an evaluation of and a recommendation on the Board's advisory review of the petition and shall include as attachments the Board's advisory review and a copy of the Agricultural Preservation Easement.
 - m. Subject to Section 106 of these regulations, the property on which an approved commercial ground-mount solar collector facility is located is eligible to be a sending parcel provided that one density right is retained for the conditional use until the commercial ground-mount solar collector facility is removed.
 - n. For ground-mount solar collector facilities on agriculture preservation parcels, the area used for the ground-mount solar collectors must also be used for pollinator or native grass habitats, grazing for livestock such as sheep, crop production under or directly adjacent to the installation such as edible landscape barriers or tree crops, or other agricultural or ecologically enhancing alternative that the applicant proposes and the hearing authority finds to be harmonious with the purposes of the Agricultural Land Preservation Program.
 - o. Regulations for Solar Collector Facility, Commercial Ground-Mount

A solar collector or combination of solar collectors shall be designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard. The petitioner or applicant shall provide to the Department of Planning and Zoning a glare study or other certification or assurance acceptable to the Department that the solar collectors are designed, manufactured, and will be installed:

 - A. To eliminate glare;
 - B. To ensure that glare will not be reflected onto nearby buildings or roadways;
 - or
 - C. With anti-reflective coatings or light-trapping technologies.

Section 131.0.N.52. Spa, Country

A Conditional Use may be granted in the RC and RR Districts, on properties that are not ALPP purchased or dedicated easement properties, for a country spa provided that:

- a. The facility shall principally have the purpose of providing health and wellness services to individuals and groups. Documentation shall establish that the proposed facility generally is "...devoted to overall well-being through a variety of professional services that encourage the renewal of mind, body and spirit."
- b. The minimum lot area shall be 20 acres.
- c. A buffer area at least 50 feet wide shall be maintained between structures or uses and adjacent residentially-zoned land other than a public road right-of-way.
- d. Adequate landscaping or other acceptable forms of buffering shall be provided to screen all parking and, if appropriate, structures and outdoor activity areas from residential properties.
- e. All parking shall be located on site.
- f. The types of principal and accessory uses and the level of activity on the site are specified including, but not limited to, the maximum number of day and overnight guests, and uses of outdoor areas.
- g. The design of new structures or additions to existing structures will be compatible in character with the rural character in the vicinity, as demonstrated by architectural elevations or renderings submitted with the petition.
- h. The access to the facility shall not be on a driveway or private road shared with other off-site residential uses.

[[Section 131.0.N.][54]]53. Two-family Dwellings and Accessory Apartments]]

[[A Conditional Use may be granted for two-family dwellings or accessory apartments in the following districts, provided that any new structures or additions will be designed to be compatible in scale and character with the surrounding residential neighborhood. Compatibility of character may be in architectural style, materials or details. Compatibility shall be demonstrated by architectural elevations or renderings submitted with the petition.

- a. Two-family dwellings: in the RC and RR Districts, on properties that are not ALPP purchased or dedicated easement properties, and in the R-ED, R-20 or R-12 Districts, provided that the two-family dwelling is on an individual lot, with only one two-family dwelling permitted on one lot, and the lot is an existing recorded lot at the time of the Conditional Use application. The minimum lot size shall be at least 16,000 square-feet for two-family dwelling structures in the R-ED and R-12 Districts.
- b. [[Accessory apartments: on lots of less than 12,000 square feet in the R-ED, R-20, R-12 and R-SC Districts. (On lots of 12,000 square feet or larger, this is a permitted use in these districts).]]

Section 133.0.D Minimum Parking Requirements for Specific Uses

In the following text, "sf" refers to gross square feet of floor area unless net floor area is approved by the Department of Planning and Zoning. "DPZ" refers to the Department of Planning and Zoning. The parking for multiple uses shall be calculated cumulatively unless otherwise noted or unless approved in accordance with Section 133.0.F.

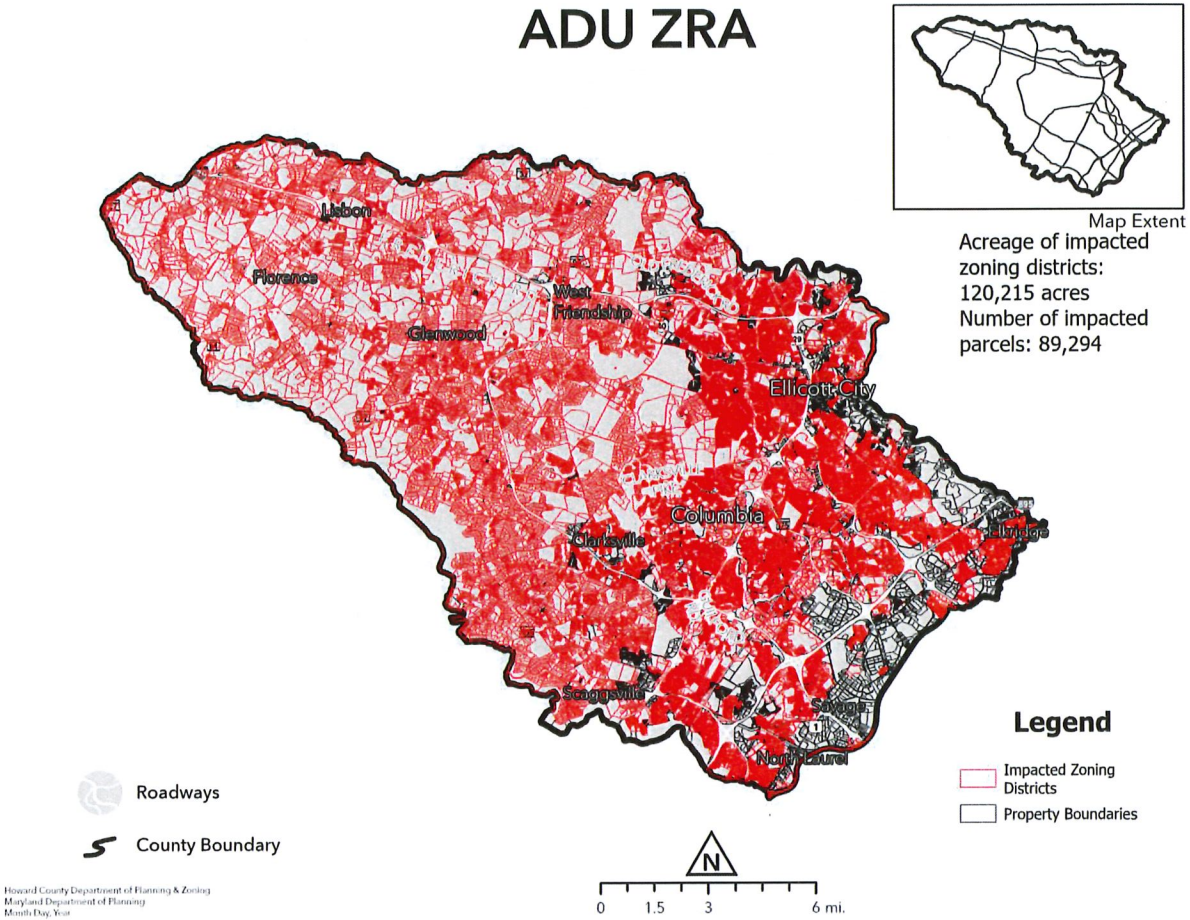
1. Accessory Uses to Residences

The following parking requirements for accessory uses shall be provided in addition to the required parking for the principal residence:

a. [[Accessory apartment]] ACCESSORY DWELLING UNIT	1.0 per [[apartment]] ACCESSORY DWELLING UNIT
b. Home-based contractors	1.0 space per nonresident employee working on the premises at the time of peak usage, plus 1.0 space for each visitor potentially present at the time of peak usage.
c. Housing by a resident of one to eight persons who are physically or mentally disabled or 62 years or age or older	One or two persons (other than family members): no spaces; 3 to 5 persons (other than family members): 1.0 space; 6 to 8 persons (other than family members) 2.0 spaces

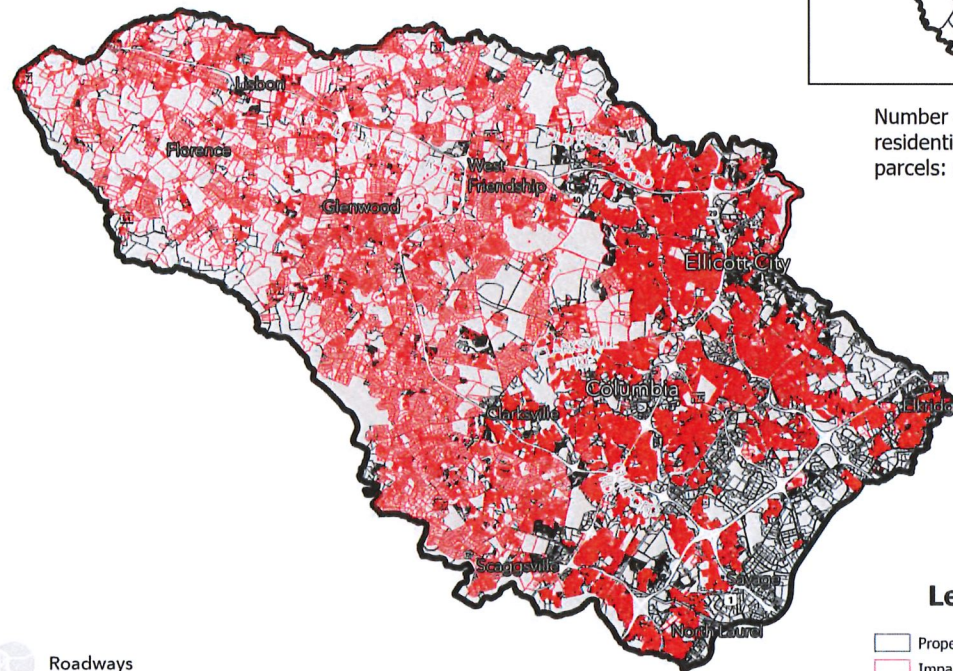
Attachment A

ADU ZRA



Attachment B

ADU ZRA



Roadways

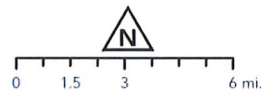


County Boundary

Howard County Department of Planning & Zoning
Maryland Department of Planning
Month/Day/Year

Legend

- Property Boundaries
- Impacted Res. Dev.



DEPARTMENT OF PLANNING AND ZONING, * BEFORE THE
PETITIONER * PLANNING BOARD OF
ZRA-218 * HOWARD COUNTY, MARYLAND

* * * * *

MOTION: Recommend approval of ZRA-218.

ACTION: *Approved with Amendments; Vote 4-0.*

* * * * *

RECOMMENDATION

On October 16, 2025, the Planning Board of Howard County, Maryland, considered the petition of the Department of Planning and Zoning (DPZ), the Petitioner, for several amendments throughout the Zoning Code to implement the State Law (HB-1466) regarding Accessory Dwelling Units and align them with the broader goals of Howard County's General Plan, HoCo By Design, and the County's Housing Opportunities Master Plan. DPZ's Petition included:

- Rename the Accessory Apartments to Accessory Dwelling Unit definition under Section 103.0.
- Add a definition of Accessory Dwelling Unit under Section 103.0.
- Amend the definitions of Density, Dwelling Unit and Kitchen under Section 103.0.
- Remove definitions and mentions of Dwelling, Accessory Apartment and Dwelling, Temporary Accessory Family.
- Amend the Accessory Dwelling Unit accessory uses in the R-ED, R-20, R-12, R-SC, R-SA-8 & PGCC districts to remove the requirements for a minimum lot size, maximum number of bedrooms and external design requirements.
- Amend the Uses Permitted as a Matter of Right in the RC, RR, R-ED, R-20, and R-12 districts to permit one two-family dwelling unit per lot. Impose a 16,000 square foot minimum lot size requirement for two-family dwellings in the R-ED and R-12 districts.
- Remove two-family dwellings, accessory apartments and multi-plex dwellings as a conditional use within County Preservation Easements.
- Add an Accessory Dwelling Unit as a permitted Accessory Use in the R-H-ED, R-A-15, R-APT, R-MH, HO, HC, TOD, CAC, and TNC districts.
- Exempt an Accessory Dwelling Unit from the accessory structure lot coverage requirements for lots developed with a single-family detached dwelling.
- Amend the restrictions for detached accessory structures on lots developed with a single-family

detached dwelling.

- Amend the supplemental zoning regulations for an Accessory Dwelling Unit.
- Remove the lot size restriction for an Accessory Dwelling Unit in Traditional Residential Neighborhoods.
- Remove the Conditional Use for Dwelling, Temporary Accessory Family; and Two-Family Dwellings and Accessory Apartments.

The Planning Board considered the petition and the Department of Planning and Zoning's (DPZ) Technical Staff Report (TSR).

Testimony

Mr. Justin Tyler, DPZ staff member, presented the proposed Zoning Regulation Amendment (ZRA) on behalf of the Department of Planning and Zoning. He stated that the purpose of the ZRA is to implement the State Law (HB-1466) regarding Accessory Dwelling Units (ADU) and align them with the broader goals of Howard County's General Plan, HoCo By Design, and the County's Housing Opportunities Master Plan. Mr. Tyler went through each text amendment and explained what the current regulations allow, what is proposed, what code sections are impacted (as summarized above), as well as the ZRA criteria.

Following DPZ's presentation of the proposed amendment, Mr. Kevin McAliley, Planning Board Chair, asked the Planning Board if they had questions for DPZ. Ms. Barbara Mosier, Planning Board member, asked if ADU's would be exempt from the Adequate Public Facilities Ordinance (APFO). Ms. Lynda Eisenberg, AICP, Planning Board Executive Secretary and Planning Director, responded that the current regulations exclude Accessory Apartments from APFO calculations, so ADU's would also be subject to the same exemption. Ms. Mosier also asked what the ADU process would be like for properties within the NT district. Ms. Eisenberg explained that an applicant would still need to apply for a permit issued by DPZ to operate an ADU on the Property and that the regulations outlined in the appropriate FDP would govern the Regulations, such as setbacks and lot coverage requirements.

Mr. James Connelly testified in support of the ZRA stating that the ZRA would be a helpful tool to increase housing stock, housing types and housing affordability.

Mr. Brent Loveless testified in opposition to the ZRA and had concerns with APFO allocations. He urged Planning Board members to rescind the ZRA and only put forward the legislation from HB1466 and to exclude any additional regulation implementations the County suggested.

Ms. Karen Mosel testified in support of the ZRA stating that the ZRA would assist in creating more housing stock within the County, assist with housing affordability and give more residents a chance to age in place.

1 Mr. James Hagan testified in opposition to the ZRA indicating concerns with removing the Conditional
2 Use for Two-family dwellings. He stated that the Conditional Use process allowed residents to give input on
3 these proposed uses. He also had reservations with properties that are on well and septic, and how these uses
4 would be compatible with existing systems.

5 Mr. Nirmal Kedia testified in opposition to the ZRA stating that the 75% size limit would have an
6 impact on the character of the neighborhoods and that the Conditional Use process helped maintain the
7 characteristics and allowed for resident input.

8 Ms. Jessamine Duvall testified on behalf of the Housing Affordability Coalition in support of the ZRA
9 stating that the ZRA will help expand housing options and promote home ownership.

10 Ms. Jessamine Duvall, Executive Director of the Columbia Housing Center, testified in support of the
11 ZRA stating that the ZRA will help create missing middle housing and would assist in housing affordability.

12 Ms. Elizabeth Murphy testified in opposition to the ZRA claiming that more guardrails are needed to
13 protect communities. She indicated that there should be a maximum number of people who can reside in an
14 ADU.

15 Mr. Dana Sohr, representative from the Bridges to Housing Affordability, testified virtually in support
16 of the ZRA stating that the ZRA would expand housing affordability and would meet the local needs for more
17 housing opportunities. In addition, he stated that it would allow for housing for family members and creates the
18 opportunity for multi-generational homes.

19 Ms. Cindy LaFollette testified in opposition to the ZRA stating that ADU's should be subject to APFO
20 calculations. She also indicated concerns with the removal of the Conditional Use for Two-family dwellings
21 stating that it would not allow residents the chance to voice their concerns about a proposed use.

22 Ms. Susan Garber testified virtually in opposition to the ZRA and had concerns with the lack of
23 guardrails in place to protect communities. She also had concerns with why the ZRA provided more changes
24 than what HB-1466 offered.

25 Mr. Joel Hurewitz testified virtually in opposition to the ZRA stating the need for clearer regulations
26 for the NT district and better clarification on how ADU's would be applied to NT zoned neighborhoods.

27
28 Board Discussion and Recommendation
29

30 Planning Board member Mr. James Cecil asked DPZ staff about the ADU process and how the review
31 process would be set up. Ms. Eisenberg explained that ADU's would follow a process similar to the currently
32 ongoing Accessory Apartments review process. Mr. Cecil also inquired about the enforcement process and how
33 it is handled when it comes to the maximum number of people with a dwelling. Ms. Eisenberg explained that
34 it would be, and is difficult, for DPZ code enforcement inspectors to determine who resides in the residence or

not. She further stated that Howard County does not allow short-term rentals and that there are mechanisms in place to assist in enforcing this maximum limitation.

Planning Board member Mr. Mason Godsey asked if staff could clarify how the size of ADU's would be calculated. Mr. Tyler explained that the 75% size limit for ADU's would be based on the lot coverage of the principal dwelling on the Property. Mr. Cecil asked about height limitations and how they apply to ADU's. Mr. Tyler stated that each zoning district has height limitations that can vary by roof type and if it was a principal or accessory detached structure. Mr. Kevin McAliley inquired on the owner occupancy requirement and why it was removed. Ms. Eisenberg stated it was removed to allow for more flexibility and to remove barriers for constructing ADU's. Mr. McAliley also asked about the difference of a Two-Family dwelling and an ADU. Ms. Eisenberg explained that a Two-Family dwelling was entirely on one lot and resembled one larger dwelling but was split in the middle and further stated that they had the ability to add one additional ADU.

The Planning Board discussed the repeated testimony about the concern with removing the owner occupancy requirement. Mr. Cecil discussed adding restrictions for real estate listings so that they only advertise for conforming uses. Mr. Cecil also indicated concern again with the removal of the owner's occupancy requirement. Ms. Eisenberg reminded him that the County prohibits short-term rentals and can be used as a guardrail to prevent transient stay situations within ADU's. Mr. Godsey stated that there was a benefit to the owner occupancy requirement and maintaining it would limit the risks involved with non-owner occupied ADU's. Ms. Mosier stated that she was fine with keeping the owner-occupied requirement also indicating that the prohibition of short-term rentals would act as a guardrail. Mr. McAliley inquired about the required parking for ADU's. Ms. Eisenberg stated that a parking study would be needed if they were to adopt additional parking requirements. Mr. Cecil stated that he was concerned about affordability of housing if investors took advantage of the ZRA. Ms. Mosier inquired about the statistics involved with owner-occupied versus non-owner occupied within other jurisdictions. Ms. Eisenberg stated that she was not sure of any but indicated that Montgomery County does not permit ADU's to be on non-owner-occupied lots. The Planning Board was in agreement that the owner occupancy requirement should stand and will act as a guardrail for ADU's. The Planning Board was also in agreement with the other proposed text changes.

Mr. Cecil motioned to recommend approval of ZRA-218 with amendments. Mr. Mason seconded the motion. The motion passed 4-0.

The amendments are:

1. To keep the owner-occupied requirement so that the owner must reside in either the ADU or principal structure.
2. To request accompanying legislation that mandates the advertising of properties for sale must explicitly and accurately align with the permitted uses of the underlying zoning district. This is intended to increase market transparency and protect prospective buyers from misleading

advertisements.

For the foregoing reasons, the Planning Board of Howard County, Maryland, on this 19th day of November 2025, recommends that ZRA-218, as described above, be APPROVED WITH AMENDMENTS.

HOWARD COUNTY PLANNING BOARD

Signed by:

Kevin McAliley

C2C86F6D2434476...

Kevin McAliley, Chair

Signed by:

James Cecil

7DA1423B4D2D404...

James Cecil, Vice-chair

DocuSigned by:

Mason Godsey

B79ABA28B31447E...

Mason Godsey

Signed by:

Barbara Mosier

B65ABB04E9F949F...

Barbara Mosier

Lynn Moore (Absent)

ATTEST:

DocuSigned by:

Lynda Eisenberg

4220B635863042E...

Lynda Eisenberg, AICP, Executive Secretary

Summary complete as of 4 September 2025
KLB

[illegible]

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council Of Howard County Maryland

2026 Legislative Session

Legislative Day No. 1

Bill No. 3-2026 (ZRA 218)

Introduced by: The Chairperson at the request of the County Executive

Short title: Accessory Dwelling Units- Allowed by right in certain zoning districts, under certain conditions.

Title: AN ACT amending the Howard County Zoning Regulations to allow accessory dwelling units in Howard County under certain conditions; to define certain terms; to allow two-family dwellings as a matter of right in the RC, RR, R-ED, R-30 and R-12 Zoning Districts under certain conditions; to substitute accessory dwelling unit for accessory apartment and to allow accessory dwelling units as accessory uses in the R-H-ED, R-A-15, R-APT, R-MH, R-VH, HO, HC, TOD, CAC and TNC Zoning Districts, under certain conditions; to substitute accessory dwelling units for temporary accessory family dwellings in certain zoning districts; to make certain technical corrections; and generally relating to the Howard County Zoning Regulations.

Introduced and read first time _____, 2026. Ordered posted and hearing scheduled.

By order _____
Michelle Harrod, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2026.

By order _____
Michelle Harrod, Administrator

This Bill was read the third time on _____, 2026 and Passed ____, Passed with amendments ____, Failed ____.

By order _____
Michelle Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ____ day of _____, 2026 at ____ a.m./p.m.

By order _____
Michelle Harrod, Administrator

Approved/Vetoed by the County Executive _____, 2026

Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment

1 *Section 1. Be It Enacted by the County Council of Howard County, Maryland, that the Howard*
2 *County Zoning Regulations, as amended by Council Bill No. 74-2025 that is effective on*
3 *February 8, 2026, are amended as follows:*

4 1. *By amending*

5 *Section 103.0: Definitions*

6 *a. To amend the definitions of accessory apartment; density; dwelling, two-family;*
7 *dwelling unit; and kitchen*

8 *b. To remove the definition of dwelling, accessory apartment and dwelling,*
9 *temporary accessory family*

11 2. *By amending*

12 *Section 104.0: RC (Rural Conservation) District*
13 *Subsections B and C*

15 3. *By amending*

16 *Section 105.0: RR (Rural Residential) District*
17 *Subsections B and C*

19 4. *By amending*

20 *Section 106.1: County Preservation Easements*
21 *Subsections C and D*

23 5. *By amending*

24 *107.0: - R-ED (Residential: Environmental Development) District*
25 *Subsections B, C and D.2.*

27 5. *By amending*

28 *108.0: R-20 (Residential: Single) District*
29 *Subsections B and C*

31 6. *By amending*

1 *Section 109.0: R-12 (Residential: Single) District*

2 *Subsections B, C and D.2.*

4 7. *By amending*

5 *Subsection C.2. of the following*

6 *Section 110.0: R-SC (Residential: Single Cluster) District*

7 *Section 111.0: R-SA-8 (Residential: Single Attached) District*

9 8. *By amending*

10 *Subsection C of the following:*

11 *Section 111.1: R-H-ED (Residential: Historic-Environmental) District*

12 *Section 112.0: R-A-15 (Residential: Apartments) District*

13 *Section 112.1: R-APT (Residential: Apartments) District*

14 *Section 113.1: R-MH (Residential: Mobile Home) District*

15 *Section 114.1: R-VH (Residential: Village Housing) District*

16 *Section 114.2: HO (Historic: Office) District*

17 *Section 114.3: HC (Historic: Commercial) District*

18 *Paragraph 1 of Subsection C of Section 126.0: PGCC (Planned Golf Course Community)*
19 *District*

20 *Section 127.5: CAC (Corridor Activity Center) District*

22 9. *By amending*

23 *Subsection D of the following:*

24 *Section 127.4: TOD (Transit Oriented Development) District*

25 *Section 127.6: TNC (Traditional Neighborhood Center) District*

27 10. *By amending*

28 *Paragraphs 12 and 13 of Subsection A*

29 *Section 128.0: Supplementary Zoning District Regulations*

31 11. *By amending*

Paragraphs 3 of Subsection G

Section 128.0: Supplementary Zoning District Regulations

12. By amending:

Subsection N, Conditional Uses and Permissible Zoning Districts

Section 131.0: Conditional Uses

a. The Conditional Uses and Permissible Zoning District Chart, the rows for Dwelling, Accessory Family and Two-family Dwellings and Accessory Apartments

b. Paragraph 18, Dwelling, Temporary Accessory Family

c. Paragraph 19, Farm Tenant House

d. Paragraph 20, Fast Food Restaurant

e. Paragraph 21, Funeral Homes and Mortuaries

f. Paragraph 22, Gases, Non-Toxic Industrial (Manufacture, Sale, Storage and Distribution)

g. Paragraph 23, Gasoline, Fuel Oil, Liquefied Petroleum and Compressed Natural Gas, Bulk Storage of

h. Paragraph 24, Reserved

i. Paragraph 25, Golf Courses

j. Paragraph 26, Guest House

k. Paragraph 27, Historic Building Uses

l. Paragraph 28, Home Based Contractors

m. Paragraph 29, Home Occupations

n. Paragraph 30, Junk Yard

o. Paragraph 31, Kennels and Pet Grooming Establishments

p. Paragraph 32, Landscape Contractors

q. Paragraph 33, Rural Venue Space

r. Paragraph 34, Mobile Homes for Security Purposes

s. Paragraph 35, Movie Theaters, Legitimate Theaters, Dinner Theaters

t. Paragraph 36, Museums and Libraries

u. Paragraph 37, Nonprofit Clubs, Lodges, Community Halls and Camps

v. Paragraph 38, Nursing Homes and Residential Care Facilities

- w. *Paragraph 39, Pet Day Care Facilities*
- x. *Paragraph 40, Produce Stands*
- y. *Paragraph 41, Quarries—or Rock, Stone, Sand Excavations*
- z. *Paragraph 42, Religious Facilities, Structures and Land Used Primarily for Religious Activities*
- aa. *Paragraph 43, Residential/Commercial Buildings*
- bb. *Paragraph 44, Retreat Center*
- cc. *Paragraph 45, Rubble Landfill and Land Clearing Debris Landfill Facilities*
- dd. *Paragraph 46, Sawmills, Bulk Firewood Processing, Mulch Manufacture, or Soil Processing*
- ee. *Paragraph 47, School Buses, Commercial Service*
- ff. *Paragraph 48, Schools, Colleges, Universities—Private (Academic)*
- gg. *Paragraph 49, Shooting Ranges—Outdoor Rifle, Pistol, Skeet and Trap*
- hh. *Paragraph 50, Small Wind Energy Systems, Building Mounted*
- ii. *Paragraph 51, Small Wind Energy Systems, Freestanding Tower*
- jj. *Paragraph 52, Solar Collector Facility, Commercial Ground-Mount*
- kk. *Paragraph 53, Spa, Country*
- ll. *Paragraph 54, Two-family Dwellings and Accessory Apartments*
- mm. *Paragraph 55, Used Merchandise, Retail Sale by Non-Profit Organization*
- nn. *Paragraph 56, Utility Uses, Public*
- oo. *Paragraph 57, Farm Alcohol Producer*
- pp. *Paragraph 58, Wrecked Vehicle Storage (Temporary)*
- qq. *Paragraph 59, Yard Waste Composting Facility*

13. *Subsection D, Minimum Parking Requirements for Specific Uses*

Paragraph 1 of Subsection D of Section 133.0: Off-Street Parking and Loading Facilities

Howard County Zoning Regulations.

Section 103.0. Definitions.

Section 103.0. Definitions

Terms used in these Zoning Regulations shall have the definition provided in any standard dictionary, unless specifically defined below or in any other provision of these Zoning Regulations:

A

Accessory DWELLING UNIT: [[Apartment: See "Dwelling, Accessory Apartment"]] A SECOND DWELLING UNIT SUBORDINATE TO THE PRINCIPAL DWELLING, LOCATED ON A LOT DEVELOPED WITH A SINGLE-FAMILY DETACHED, SINGLE-FAMILY ATTACHED, SINGLE-FAMILY SEMI-DETACHED AND TWO-FAMILY DWELLING UNITS WHICH COMPLIES WITH THE REQUIREMENTS FOR SUCH USES WITHIN SECTION 128.0.A.

D

Density: The number of principal dwelling units per unit of land area. Accessory dwelling units such as farm tenant houses, caretaker dwellings and [[accessory apartments]] ACCESSORY DWELLING UNITS are not included when calculating density.

Dwelling: A building, or portion thereof, which provides living facilities for one family. As used herein, the term "dwelling," or any combination thereof, shall not be deemed to include a hotel, motel, clubhouse, hospital or other accommodations used for more or less transient occupancy.

[[Dwelling, Accessory Apartment: A second dwelling unit located within a single-family detached dwelling which complies with the requirements for such uses within Section 128.0.A. (See also the definition of Dwelling, Two-family)]]

[[Dwelling, Temporary Accessory Family: A Conditional Use category for a second dwelling unit on a lot which is used for the housing of an elderly or disabled family member of the resident of the principal dwelling unit and which complies with the requirements of Section 131.0.N. A temporary accessory family dwelling shall either be a removable modular building designed for this purpose or an alteration of an existing accessory building. A temporary accessory family dwelling shall not be a newly constructed building.]]

Dwelling, Apartment: A dwelling in a building containing three or more dwelling units separated by both vertical and horizontal party walls.

1
2 Dwelling, Manufactured: This term has the same meaning as "Mobile Home".

3
4 Dwelling, Modular: A dwelling unit that has a minimum floor area of 900 square feet and a
5 gabled roof, is fabricated in an off-site manufacturing facility for installation or assembly at the
6 building site, and bears insignia certifying that it is built in compliance with the standards for
7 industrialized buildings contained in the Industrialized Building and Mobile Homes Act of the
8 Annotated Code of Maryland, Article 83B, Sections 6-201, et. seq.

9
10 Dwelling, Multi-Family: This term includes apartments, whether rental units or condominiums,
11 and single-family attached dwellings.

12
13 Dwelling, Multi-Plex: A dwelling unit in a multi-plex dwelling unit building that resembles a
14 large, single-family detached dwelling, but is divided internally into three or four units. The
15 dwelling units are separated by party walls, but are not arranged in line and the party walls are
16 not parallel to each other. The dwellings may have a shared or separate exterior entrance.

17
18 Dwelling, Single-family Attached: One of a series of two or more dwelling units, separated
19 either by vertical or horizontal party walls, with each unit having its own separate exterior
20 entrance(s).

21
22 Dwelling, Single-family Detached: A building, including a modular dwelling, arranged or
23 designed for use as a principal dwelling, and entirely separated from any other principal building
24 by open area on all sides.

25
26 Dwelling, Single-family Semi-Detached: One of two attached dwelling units located on abutting
27 lots, separated by one vertical party wall without openings extending from the basement floor to
28 roof along the dividing lot line, with each unit having its own exterior entrance and its own
29 adjacent ground level outdoor area for the exclusive use of its occupants.

1 Dwelling, Two-family: A building which contains two dwelling units, of which neither is an
2 accessory ~~[[apartment]]~~ DWELLING UNIT and which is arranged, designed or used for occupancy
3 by two families. The dwelling units in a two-family dwelling are not separated by an attached
4 garage or by an open or enclosed breezeway.

5 ~~[[~~(See also the definition of Dwelling, Accessory Apartment.)~~]]~~
6

7 Dwelling Unit: A single unit providing complete ~~[[independent]]~~ living facilities for AT LEAST
8 one ~~[[or more persons]]~~ INDIVIDUAL, including, AT A MINIMUM, ~~[[permanent]]~~ provisions for
9 SANITATION, COOKING, EATING, AND SLEEPING~~[[living, sleeping, eating, cooking limited to one~~
10 kitchen, and sanitation~~]]~~.

11 **K**

12 Kitchen: Any room designed to principally be used for cooking and food preparation purposes. A room
13 which includes a ~~[[sink and a]]~~ range or oven, ~~[[or utility connections suitable for the operation of a range~~
14 or oven,~~]]~~ shall be considered as the establishment of a kitchen.
15

16 **Howard County Zoning Regulations.**

17 **Section 104.0. RC (Rural Conservation) District.**
18

19 **Section 104.0: RC (Rural Conservation) District**

20 **B. Uses Permitted as a Matter of Right**

21 The following uses are permitted as a matter of right in the RC District, except that only the
22 uses listed in Section 106.1 shall be permitted on County Preservation Easements.

- 23 1. Farming, provided that on a residential lot or parcel of less than 40,000 square feet no
24 livestock shall be permitted. However, residential chicken keeping is allowed as noted in
25 Section 128.0.
- 26 2. Conservation areas, including wildlife and forest preserves, environmental management
27 areas, reforestation areas, and similar uses.
- 28 3. One single-family detached dwelling unit per lot.
- 29 4. Commercial feed mills and commercial grain processing or storage facilities, provided
30 that all uses connected with such facilities shall be at least 200 feet from property lines.
- 31 5. Convents and monasteries used for residential purposes.
- 32 6. Governmental structures, facilities and uses including public schools and colleges.

- 1 7. Private recreational facilities, such as parks, athletic fields, swimming pools, basketball
2 courts and tennis courts, reserved for use by residents of a community and their guests.
3 Such facilities shall be located within neighborhoods and communities where all
4 properties are included within recorded covenants and liens which govern and provide
5 financial support for operation of the facilities.
- 6 8. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of
7 charitable, social, civic or educational organizations, subject to the requirements of
8 Section 128.0.D.
- 9 9. Seasonal sales of Christmas trees or other decorative plant materials, subject to the
10 requirements of Section 128.0.D.
- 11 10. Underground pipelines; electric transmission and distribution lines; telephone, telegraph
12 and CATV lines; mobile transformer units; telephone equipment boxes; and other, similar
13 public utility uses not requiring a Conditional Use.
- 14 11. Commercial communication antennas attached to structures, subject to the requirements
15 of Section 128.0.E.4. Commercial communication towers located on government
16 property, excluding School Board property, and with a height of less than 200 feet
17 measured from ground level, subject to the requirements of Section 128.0.E. This height
18 limit does not apply to government communication towers, which are permitted as a
19 matter of right under the provisions for "Government structures, facilities and uses."
- 20 12. Volunteer fire departments.
- 21 13. Rooftop solar collectors.
- 22 **14. ONE TWO-FAMILY DWELLING PER LOT.**

23 24 **C. Accessory Uses**

25 The following are permitted accessory uses in the RC District, except that only the uses listed
26 in Section 106.1 shall be permitted on County Preservation Easements. More than one
27 accessory use shall be permitted on a lot, provided that the combination of accessory uses
28 remains secondary, incidental and subordinate to the principal use.

- 29 1. Any use normally and customarily incidental to any use permitted as a matter of right in
30 this district. Accessory structures are subject to the requirements of Section 128.0.A.
- 31 2. Accessory houses, limited to the following:

- a. Farm tenant houses and similar uses customarily accessory to agricultural uses, provided that these uses shall not be permitted on parcels of less than 50 acres, and one unit shall be permitted for each 25 acres of that parcel; or
- b. Caretakers' dwellings and similar uses customarily accessory to residential estate uses, provided that these uses shall not be permitted on parcels of less than 50 acres and one unit shall be permitted for each 50 acres of that parcel.
3. Accessory ~~[[apartments]]~~ **DWELLING UNIT**, subject to the requirements of Section 128.0.A.
4. The housing by a resident family of:
 - a. Not more than four non-transient roomers or boarders; or
 - b. Not more than eight mentally and/or physically disabled persons or persons 62 years of age or older, provided the use is registered, licensed or certified by the State of Maryland; or
 - c. A combination of a and b above, provided that the total number of persons housed in addition to the resident family does not exceed eight.
5. Home occupations, subject to the requirements of Section 128.0.C.
6. Home care, provided that if home care is combined with housing of mentally or physically disabled persons or persons 62 years of age or older, as allowed by Subsection 4.b above, the total number of persons receiving home care at any one time plus the number of persons being housed shall not exceed eight.
7. Parking:
 - a. Off-street parking of no more than two commercial vehicles on lots of three or more acres and no more than one commercial vehicle on lots of less than three acres. Private off-street parking is restricted to vehicles used in connection with or in relation to a principal use permitted as a matter of right in the district.
 - b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or destroyed motor vehicles shall not be permitted, except as provided by Section 128.0.D.
8. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet or smaller, such storage shall be limited to the following:
 - a. One recreational vehicle with a length of 30 feet or less; and
 - b. One boat with a length of 20 feet or less.

9. The following commercial services are permitted as accessory uses on farms, provided that the uses are located on a parcel of at least 50 acres or on a parcel of any size subject to an ALPP purchased or dedicated easement, the commercial service is conducted by persons residing on or operating the farm, and all uses are screened from public roads and adjacent lots:
 - a. Blacksmith shop
 - b. Farm machinery repair
 - c. Lawn and garden equipment repair
 - d. Welding
10. Farm stands, subject to the requirements of Section 128.0.I.
11. Snowball stands, subject to the requirements of Section 128.0.D.
12. Home-based contractors, subject to the requirements of Section 128.0.C.2.
13. The acceptance or disposal of off-site land clearing debris under a permit issued by the Department of Planning and Zoning, subject to the requirements of Section 128.0.D.
14. Value-added processing of agricultural products, subject to the requirements of Section 128.0.I.
15. Agritourism, small-scale agritourism, and pick-your-own marketing of farm products, subject to the requirements of Section 128.0.I.
16. Farm alcohol producer, subject to the requirements of Section 128.0.O.
17. Small Wind Energy System, building mounted, subject to the requirements of Section 128.0.L.
18. Small Wind Energy System, freestanding tower on properties 5 acres or great or greater, subject to the requirements of Section 128.0.M.
19. Riding Academies and Stables, subject to the requirements of Section 128.0.I.
20. Community Supported Agriculture, subject to the requirements of Section 128.0.I.
21. Food Hubs, subject to the requirements of Section 128.0.I.
22. Accessory ground-mount solar collectors.
23. Residential chicken keeping, subject to the requirements of Section 128.0.D.
24. Livestock on residential lots or parcels, subject to the requirements of Section 128.0.D.
25. Accessory storage buildings and shipping containers, as accessory storage structures, subject to the requirements in Section 128.0.D.

1 26. Incidental outdoor stays – lodging, subject to the requirements of Section
2 128.0.I.

3 27. Bed and breakfast inns, subject to the requirements of section 128.0.I.
4

5 **Howard County Zoning Regulations.**
6 **Section 105.0. RR (Rural Residential) District.**
7

8 **Section 105.0: RR (Rural Residential) District**

9 **B. Uses Permitted as a Matter of Right**

10 The following uses are permitted as a matter of right in the RR District, except that only the uses
11 listed in Section 106.1 shall be permitted on County preservation easements.

- 12 1. Farming, provided that on a residential lot or parcel of less than 40,000 square feet no
13 livestock shall be permitted. However, residential chicken keeping is allowed as noted in
14 Section 128.0.
- 15 2. Conservation areas, including wildlife and forest preserves, environmental management
16 areas, reforestation areas, and similar uses.
- 17 3. One single-family detached dwelling unit per lot.
- 18 4. Convents and monasteries used for residential purposes.
- 19 5. Governmental structures, facilities and uses including public schools and colleges.
- 20 6. Private recreational facilities, such as parks, athletic fields, swimming pools, basketball
21 courts and tennis courts, reserved for use by residents of a community and their guests.
22 Such facilities shall be located within neighborhoods and communities where all properties
23 are included within recorded covenants and liens which govern and provide financial
24 support for operation of the facilities.
- 25 7. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of
26 charitable, social, civic or educational organizations, subject to the requirements of Section
27 128.0.D.
- 28 8. Seasonal sales of Christmas trees or other decorative plant materials, subject to the
29 requirements of Section 128.0.D.

1 9. Underground pipelines; electric transmission and distribution lines; telephone, telegraph
2 and CATV lines; mobile transformer units; telephone equipment boxes; and other, similar
3 public utility uses not requiring a Conditional Use.

4 10. Commercial communication antennas attached to structures, subject to the requirements of
5 Section 128.0.E. Commercial communication towers located on government property,
6 excluding School Board property, and with a height of less than 200 feet measured from
7 ground level, subject to the requirements of Section 128.0.E. This height limit does not
8 apply to government communication towers, which are permitted as a matter of right under
9 the provisions for "Government structures, facilities and uses."

10 11. Volunteer fire departments.

11 12. Rooftop solar collectors.

12 **13. ONE TWO-FAMILY DWELLING UNIT PER LOT.**

13
14 **C. Accessory Uses**

15 The following are permitted accessory uses in the RR District, except that only the uses listed
16 in Section 106.1 shall be permitted on County preservation easements. More than one
17 accessory use shall be permitted on a lot, provided that the combination of accessory uses
18 remains secondary, incidental and subordinate to the principal use.

19 1. Any use normally and customarily incidental to any use permitted as a matter of right in
20 this district. Accessory structures are subject to the requirements of Section 128.0.A.

21 2. Accessory houses, limited to the following:

22 a. Farm tenant houses and similar uses customarily accessory to agricultural uses,
23 provided that these uses shall not be permitted on parcels of less than 50 acres, and one
24 unit shall be permitted for each 25 acres of that parcel; or

25 b. Caretakers' dwellings and similar uses customarily accessory to residential estate uses,
26 provided that these uses shall not be permitted on parcels of less than 50 acres and one
27 unit shall be permitted for each 50 acres of that parcel.

28 3. Accessory ~~[[apartments]]~~ **DWELLING UNIT**, subject to the requirements of Section 128.0.A.

29 4. The housing by a resident family of:

30 a. Not more than four non-transient roomers or boarders; or

- b. Not more than eight mentally and/or physically disabled persons or persons 62 years of age or older, provided the use is registered, licensed or certified by the State of Maryland; or
 - c. A combination of a and b above, provided that the total number of persons housed in addition to the resident family does not exceed eight.
 5. Home occupations, subject to the requirements of Section 128.0.C.
 6. Home care, provided that if home care is combined with housing of mentally or physically disabled persons or persons 62 years of age or older, as allowed by Subsection 4.b above, the total number of persons receiving home care at any one time plus the number of persons being housed shall not exceed eight.
 7. Parking:
 - a. Off-street parking of no more than two commercial vehicles on lots of three or more acres and no more than one commercial vehicle on lots of less than three acres. Private off-street parking is restricted to vehicles used in connection with or in relation to a principal use permitted as a matter of right in the district.
 - b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or destroyed motor vehicles shall not be permitted, except as provided by Section 128.0.D.
 8. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet or smaller, such storage shall be limited to the following:
 - a. One recreational vehicle with a length of 30 feet or less; and
 - b. One boat with a length of 20 feet or less.
 9. The following commercial services are permitted as accessory uses on farms, provided that the uses are located on a parcel of at least 50 acres or on a parcel of any size subject to an ALPP Purchased or ALPP Dedicated Easement, the commercial service is conducted by persons residing on or operating the farm, and all uses are screened from public roads and adjacent lots:
 - a. Blacksmith shop
 - b. Farm machinery repair
 - c. Lawn and garden equipment repair
 - d. Welding
 10. Farm stands subject to the requirements of Section 128.0.I.

11. Farm Alcohol Producer, subject to the requirements of Section 128.0.O.
12. Snowball stands, subject to the requirements of Section 128.0.D.
13. Home-based contractor, subject to the requirements of Section 128.0.C.2.
14. The acceptance or disposal of off-site land clearing debris under a permit issued by the Department of Planning and Zoning, subject to the requirements of Section 128.0.D.
15. Value-added processing of agricultural products, subject to the requirements of Section 128.0.I.
16. Agritourism, small-scale agritourism, and pick-your-own marketing of farm products, subject to the requirements of Section 128.0.I.
17. Small Wind Energy System, building mounted, subject to the requirements of Section 128.0.L.
18. Riding Academies and Stables, subject to the requirements of Section 128.0.I.
19. Community Supported Agriculture, subject to the requirements of Section 128.0.I.
20. Food Hubs, subject to the requirements of Section 128.0.I.
21. Accessory ground-mount solar collectors.
22. Residential chicken keeping, subject to the requirements of Section 128.0.D.
23. Livestock on residential lots or parcels, subject to the requirements of Section 128.0.D.
24. Accessory storage buildings and shipping containers, as accessory storage structures, subject to the requirements in Section 128.0.D.
25. Incidental outdoor stays – lodging, subject to the requirements of section 128.0.I.
26. Bed and breakfast inns, subject to the requirements of section 128.0.I.

Howard County Zoning Regulations.

Section 106.1. County Preservation Easements.

Section 106.1: County Preservation Easements

C. Accessory Uses

1. ALPP Purchased Easements and ALPP Dedicated Easements
 - a. Any use normally and customarily incidental to any use permitted as a matter of right in the RC and/or R₁ Districts.

- 1 b. Farm tenant houses on parcels greater than 50 acres, subject to the Deed of Agricultural
2 Preservation Easement and approval by the Agricultural Land Preservation Board. the
3 parcel on which the farm tenant house will be located must be improved with a principal
4 dwelling unless, based on justification of need submitted by the applicant, the Director
5 of the Department of Planning and Zoning authorizes an exception to this requirement.
- 6 c. Accessory ~~[[apartments]]~~ DWELLING UNIT, subject to the requirements of Section
7 128.0.A.
- 8 d. Housing by a resident family of boarders and/or elderly persons subject to the
9 requirements of Sections 104.0.C.4 or 105.0.C.4.
- 10 e. Home occupations, subject to the requirements of Section 128.0.C.
- 11 f. Home care, subject to the requirements of Sections 104.0.C.6 or 105.0.C.6.
- 12 g. Parking of commercial vehicles, subject to the requirements of Sections 104.0.C.7 or
13 105.0.C.7.
- 14 h. Storage of recreational vehicles or boats, subject to the requirements of Sections
15 104.0.C.8 or 105.0.C.8.
- 16 i. Commercial services, subject to the requirements of Sections 104.0.C.9 or 105.0.C.9.
- 17 (1) Blacksmith shop
- 18 (2) Farm machinery repair
- 19 (3) Lawn and garden equipment repair
- 20 (4) Welding
- 21 j. Farm stands, subject to the requirements of Section 128.0.I.
- 22 k. Snowball stands, subject to the requirements of Section 128.0.D.
- 23 l. Value-added processing of agricultural products subject to the requirements of Section
24 128.0.I.
- 25 m. Agritourism and small-scale agritourism, subject to the requirements of Section
26 128.0.I.
- 27 n. Pick-your-own marketing of farm products, subject to the requirements of Section
28 128.0.I.
- 29 o. Farm Alcohol Producer, subject to the requirements of Section 128.0.O.
- 30 p. Small wind energy system, building mounted, subject to the requirements of Section
31 128.0.L.

- q. Small wind energy system, freestanding tower on properties 5 acres or greater, subject to the requirements of Section 128.0.M.
 - r. Riding stables and academies, subject to the requirements of Section 128.0.I.
 - s. Community Supported Agriculture (CSA), subject to the requirements of Section 128.0.I.
 - t. Food hubs, subject to the requirements of Section 128.0.I.
 - u. Accessory ground-mount solar collectors.
 - v. Residential chicken keeping, subject to the requirements of Section 128.0.D.
 - w. Livestock on residential lots or parcels, subject to the requirements of Section 128.0.D.
 - x. Incidental outdoor stays – lodging, subject to the requirements of section 128.0.I.
2. Other Dedicated Easements
- a. Any use normally and customarily incidental to any use permitted as a matter of right in the RC and/or RR Districts.
 - b. Farm tenant houses on parcels greater than 50 acres, subject to the Deed of Easement. the parcel on which the farm tenant house will be located must be improved with a principal dwelling unless, based on justification of need submitted by the applicant, the director of the department of planning and zoning authorizes an exception to this requirement.
 - c. Caretaker's dwellings on parcels greater than 50 acres and improved with a principal dwelling, subject to the Deed of Easement.
 - d. Accessory ~~[[apartments]]~~**DWELLING UNIT**, subject to the requirements of Section 128.0.A.
 - e. Housing by a resident family of boarders or elderly persons subject to the requirements of Sections 104.0.C or 105.0.C.
 - f. Home occupations, subject to the requirements of Section 128.0.C.
 - g. Home care, subject to the requirements of Section 104.0.C or 105.0.C.
 - h. Parking of commercial vehicles, subject to the requirements of Section 104.0.C or 105.0.C.
 - i. Storage of recreational vehicles or boats, subject to the requirements of Sections 104.0.C or 105.0.C.
 - j. Commercial services, subject to the requirements of Sections 104.0.C. or 105.0.C.

- (1) Blacksmith shop
- (2) Farm machinery repair
- (3) Lawn and garden equipment repair
- (4) Welding
- k. Farm stands, subject to the requirements of Section 128.0.I.
- l. Snowball stands, subject to the requirements of Section 128.0.I.
- m. Disposal of off-site land clearing debris, subject to the requirements of Section 128.0.D.
- n. Value-added processing of agricultural products, subject to the requirements of Section 128.0.I.
- o. Agritourism and small-scale agritourism, subject to the requirements of Section 128.0.I.
- p. Pick-your-own marketing of farm products, subject to the requirements of Section 128.0.I.
- q. Farm Alcohol Producer, subject to the requirements of Section 128.0.O.
- r. Small wind energy system, building mounted, subject to the requirements of Section 128.0.L.
- s. Small wind energy system, freestanding tower on properties 5 acres or greater, subject to the requirements of Section 128.0.M.
- t. Riding stables and academies, subject to the requirements of Section 128.0.I.
- u. Community supported agriculture (CSA), subject to the requirements of Section 128.0.I.
- v. Food hubs, subject to the requirements of Section 128.0.I.
- w. Accessory ground-mount solar collectors.
- x. Residential chicken keeping, subject to the requirements of Section 128.0.D.
- y. Livestock on residential lots or parcels, subject to the requirements for such a use in Section 128.0.D.
- z. Incidental outdoor stays – lodging, subject to the requirements of section 128.0.I.
- aa. Bed and breakfast inns, subject to the requirements of section 128.0.I.

D. Conditional Uses

1. ALPP Purchased Easements and ALPP Dedicated Easements

1 a. Conditional Uses shall not be allowed on agricultural preservation easements unless
2 they support the primary agricultural purpose of the easement property, or are an
3 ancillary business which supports the economic viability of the farm, and are approved
4 by the hearing authority in accordance with the applicable provisions of Sections 130.0
5 and 131.0 of these regulations. On an ALPP purchased or dedicated easement property,
6 the area devoted to Conditional Uses, **EXCLUDING DRIVEWAYS**, may not exceed a
7 cumulative use cap equal to 2% of the easement or up to a maximum of 1 acre for
8 preservation parcels created as part of the Cluster Subdivision process.

9 The following Conditional Uses may be allowed:

- 10 (1) Animal hospitals
- 11 (2) Barber shop, hair salon and similar personal services facilities
- 12 (3) Bottling of spring or well water
- 13 (4) Communication Towers
- 14 (5) Farm tenant house on a parcel of at least 25 acres but less than 50 acres
- 15 (6) Historic building uses
- 16 (7) Home based contractors
- 17 (8) Home occupations
- 18 (9) Kennels and/or pet grooming establishments
- 19 (10) Landscape contractors
- 20 (11) Rural venue space
- 21 (12) Sawmills or bulk firewood processing
- 22 (13) School buses, commercial service
- 23 (14) Small wind energy systems, freestanding tower

24 b. In addition, the following Conditional Uses which may require additional land area
25 may be permitted on agricultural preservation easements:

- 26 (1) Agribusiness, limited to uses itemized in Section 131.0.N.
- 27 (2) Farm alcohol producer, subject to the requirements in section 131.0.N. [[57]]55.
- 28 (3) Solar collector facilities, commercial ground-mount.

29 2. Other Dedicated Easements

30 a. Conditional Uses shall not be allowed on other dedicated easements unless they support
31 the primary purpose of the easement property and are approved by the Hearing

Authority in accordance with the applicable provisions of Sections 130.0 and 131.0 of these Regulations. On these dedicated easements, the following Conditional Uses which do not require the construction of new principal structures or use of an outdoor area that is more than 2% of the preservation parcel acreage up to a maximum of 1 acre may be allowed:

- (1) Animal hospitals
- (2) Antique shops, art galleries and craft shops
- (3) Barber shop, hair salon and similar personal service facilities
- (4) Bottling of spring or well water
- (5) Child day care centers and nursery schools, day treatment and care facilities
- (6) Communication towers
- (7) Country inns
- (8) Historic building uses
- (9) Farm tenant house on a parcel of at least 25 acres but less than 50 acres
- (10) Home based contractors
- (11) Home occupations
- (12) Kennels and/or pet grooming establishments
- (13) Landscape contractors
- (14) Rural Venue Space
- (15) Museums and libraries
- (16) Retreats
- (17) School buses, commercial service
- (18) Shooting ranges—outdoor rifle, pistol, skeet and trap
- (19) Small wind energy systems, freestanding tower
- [(20) Two family dwellings, accessory apartments and multi-plex dwellings]]

b. In addition, the following Conditional Uses which may require additional land area may be permitted on other dedicated easements:

- (1) Agribusiness, limited to uses itemized in Section 131.0.N.2
- (2) Charitable or philanthropic institutions dedicated to environmental conservation
- (3) Farm alcohol producer, subject to the requirements in section 131.0.n.55
- (4) Golf Courses

(5) Solar collector facilities, commercial ground-mount.

Howard County Zoning Regulations.

Section 107.0: R-ED (Residential: Environmental Development) District.

Section 107.0: R-ED (Residential: Environmental Development) District

B. Uses Permitted as a Matter of Right

1. One single-family detached dwelling unit per lot.
2. One zero lot line dwelling unit per lot.
3. Single-family attached dwelling units.
4. Farming provided that on a residential lot or parcel of less than 40,000 square feet no livestock shall be permitted. However, residential chicken keeping is allowed as noted in Section 128.0.
5. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
6. Private recreational facilities, such as parks, athletic fields, swimming pools, basketball courts and tennis courts, reserved for use by residents of a community and their guests. Such facilities shall be located within condominium developments or within communities with recorded covenants and liens which govern and provide financial support for operation of the facilities.
7. Convents and monasteries used for residential purposes.
8. Government structures, facilities and uses, including public schools and colleges.
9. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, subject to the requirements of Section 128.0.D.
10. Seasonal sales of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.0.D.
11. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other, similar public utility uses not requiring a Conditional Use.

12. Commercial communication antennas attached to structures, subject to the requirements of Section 128.0.E. Commercial communication towers located on government property, excluding School Board property, and with a height of less than 200 feet measured from ground level, subject to the requirements of Section 128.0.E. This height limit does not apply to government communication towers, which are permitted as a matter of right under the provisions for "Government structures, facilities and uses."

13. Volunteer fire department.

14. Rooftop solar collectors.

15. **ONE TWO-FAMILY DWELLING UNIT PER LOT.**

C. Accessory Uses

The following are permitted accessory uses in the R-ED District. More than one accessory use shall be permitted on a lot, provided that the combination of accessory uses remains secondary, incidental and subordinate to the principal use.

1. Any use normally and customarily incidental to any use permitted as a matter of right in this District. Accessory Structures are subject to the requirements of Section 128.0.A.
2. Accessory ~~[[apartments]]~~**DWELLING UNIT**, subject to the requirements of Section 128.0.A.~~[[, provided that:~~
 - a. The area of the lot is at least 12,000 square feet;
 - b. Except for an exterior entrance and necessary parking area, there shall be no external evidence of the accessory apartment; and,
 - c. The accessory apartment shall have no more than two bedrooms.]]
3. Farm tenant houses, caretakers' cottages and similar uses customarily accessory to agricultural and residential estate uses, provided that these uses shall not be permitted on parcels of less than 50 acres, and further provided that one unit shall be allowed for each 50 acres of that parcel.
4. The housing by a resident family of:
 - a. Not more than four non-transient roomers or boarders; or
 - b. Not more than eight mentally and/or physically disabled persons or persons 62 years of age or older, provided the use is registered, licensed or certified by the State of Maryland; or

- c. A combination of a and b above, provided that the total number of persons housed in addition to the resident family does not exceed eight.
5. Home occupations, subject to the requirements of Section 128.0.C.
6. Home care, provided that if home care is combined with housing of mentally or physically disabled persons or persons 62 years of age or older, as allowed by Subsection 4.b above, the total number of persons receiving home care at any one time plus the number of persons being housed shall not exceed eight.
7. Parking:
 - a. Off-street parking of no more than two commercial vehicles on lots of three or more acres and no more than one commercial vehicle on lots of less than three acres. Private off-street parking is restricted to vehicles used in connection with or in relation to a principal use permitted as a matter of right in the district.
 - b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or destroyed motor vehicles shall not be permitted, except as provided by Section 128.0.D.
8. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet or smaller, such storage shall be limited to the following:
 - a. One recreational vehicle with a length of 30 feet or less; and
 - b. One boat with a length of 20 feet or less.
9. Farm stand, subject to the requirements of Section 128.0.I.
10. Snowball stands, subject to the requirements of Section 128.0.D.
11. Home-based contractors on lots larger than two acres, subject to the requirements of Section 128.0.C.2.
12. Small Wind Energy System, building mounted, on single-family detached dwellings and non-residential structures only, subject to the requirements of Section 128.0.L.
13. Residential Chicken Keeping, subject to the requirements of Section 128.0.D.
14. Accessory ground-mount solar collectors.
15. Livestock on residential lots or parcels, subject to the requirements of Section 128.0.D.
16. Community Supported Agriculture, subject to the requirements of Section 128.0.I.
17. Accessory storage buildings and shipping container, as accessory storage structures, subject to the requirements in Section 128.0.D.
18. Incidental outdoor stay – lodging, subject to the requirements of Section 128.0.I.

1 19. Bed and breakfast inns, subject to the requirements of Section 128.0.I.

2 20. Small-scale agritourism, subject to the requirements of Section 128.0.I.

3
4 **D. Bulk Regulations**

5 (Also see Section 128.0.A, Supplementary Bulk Regulations, and 128.0.G., Alternative
6 Regulations for Traditional Residential Neighborhoods.)

7 **2. Minimum lot size requirements**

8 a. Single-family detached dwellings6,000 sq. ft.

9 b. Except zero lot line dwellings4,000 sq. ft.

10 c. Single-family semi-detached dwellings4,000 sq. ft.

11 **D. TWO-FAMILY DWELLINGS.....16,000 SQ. FT.**

12
13 **Howard County Zoning Regulations.**

14 **Section 108.0: R-20 (Residential: Single) District.**

15
16 **Section 108.0: R-20 (Residential: Single) District**

17 **B. Uses Permitted as a Matter of Right**

18 1. One single-family detached dwelling unit per lot.

19 2. Farming, provided that on a residential lot or parcel of less than 40,000 square feet no
20 livestock shall be permitted. However, residential chicken keeping is allowed as noted in
21 Section 128.0.

22 3. Conservation areas, including wildlife and forest preserves, environmental management
23 areas, reforestation areas, and similar uses.

24 4. Convents and monasteries used for residential purposes.

25 5. Government structures, facilities and uses, including public schools and colleges.

26 6. Private recreational facilities, such as swimming pools, basketball courts and tennis
27 courts, reserved for the use of on-site residents and their guests. Such facilities shall be
28 located within condominium developments as well as within communities where all
29 properties are included within recorded covenants and liens which govern and provide
30 financial support for operations of the facilities.

7. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations subject to the requirements of Section 128.0.D.
8. Seasonal sales of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.0.D.
9. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other similar public utility uses not requiring a Conditional Use.
10. Commercial communication antennas attached to structures, subject to the requirements of Section 128.0.E.4. Commercial communication towers located on government property, excluding School Board property, and with a height of less than 200 feet measured from ground level, subject to the requirements of Sections 128.0.E.2 and 128.0.E.3. This height limit does not apply to government communication towers, which are permitted as a matter of right under the provisions for "Government structures, facilities and uses."
11. Volunteer fire departments.
12. Rooftop solar collectors.
- 13. ONE TWO-FAMILY DWELLING UNIT PER LOT.**

C. Accessory Uses

The following are permitted accessory uses in the R-20 District. More than one accessory use shall be permitted on a lot, provided that the combination of accessory uses remains secondary, incidental and subordinate to the principal use.

1. Any use normally and customarily incidental to any use permitted as a matter of right in this District. Accessory structures are subject to the requirements of Section 128.0.A.
2. Accessory ~~[[apartments]]~~**DWELLING UNIT**, subject to the requirements of Section 128.0.A.~~[[, provided that:~~
 - a. The area of the lot is at least 12,000 square feet;
 - b. Except for an exterior entrance and necessary parking area, there shall be no external evidence of the accessory apartment; and,
 - c. The accessory apartment shall have no more than two bedrooms.]]

- 1 3. Farm tenant houses, caretakers' cottages and similar uses customarily accessory to
2 agricultural and residential estate uses, provided that these uses shall not be permitted on
3 parcels of less than 50 acres, and further provided that one unit shall be allowed for each
4 50 acres of that parcel.
- 5 4. The housing by a resident family of:
 - 6 a. Not more than four non-transient roomers or boarders; or
 - 7 b. Not more than eight mentally and/or physically disabled persons or persons 62 years
8 of age or older, provided the use is registered, licensed or certified by the State of
9 Maryland; or
 - 10 c. A combination of a and b above, provided that the total number of persons housed in
11 addition to the resident family does not exceed eight.
- 12 5. Home occupations, subject to the requirements of Section 128.0.C.
- 13 6. Home care, provided that if home care is combined with housing of mentally or physically
14 disabled persons or persons 62 years of age or older, as allowed by Subsection 4.b above,
15 the total number of persons receiving home care at any one time plus the number of persons
16 being housed shall not exceed eight.
- 17 7. Parking:
 - 18 a. Off-street parking of no more than two commercial vehicles on lots of three or more
19 acres and no more than one commercial vehicle on lots of less than three acres. Private
20 off-street parking is restricted to vehicles used in connection with or in relation to a
21 principal use permitted as a matter of right in the district.
 - 22 b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or
23 destroyed motor vehicles shall not be permitted, except as provided by Section 128.0.D.
- 24 8. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet or
25 smaller, such storage shall be limited to the following:
 - 26 a. One recreational vehicle with a length of 30 feet or less; and
 - 27 b. One boat with a length of 20 feet or less.
- 28 9. Farm stand, subject to the requirements of Section 128.0.I.
- 29 10. Snowball stands, subject to the requirements of Section 128.0.D.
- 30 11. Home based contractors on lots larger than two acres, subject to the requirements of Section
31 128.0.C.2.

1 12. Small Wind Energy System, building mounted, subject to the requirements of Section
2 128.0.L.

3 13. Residential Chicken Keeping, subject to the requirements of Section 128.0.D.

4 14. Accessory ground-mount solar collectors.

5 15. Livestock on residential lots or parcels, subject to the requirements of Section 128.0.D.

6 16. Incidental outdoor stays – lodging, subject to the requirements of section 128.0.I.

7 17. Bed and breakfast inns, subject to the requirements of Section 128.0.I.

8 18. Small-scale agritourism, subject to the requirements of Section 128.0.I.

9
10 **Howard County Zoning Regulations.**

11 **Section 109.0: R-12 (Residential: Single) District.**

12
13 **Section 109.0: R-12 (Residential: Single) District**

14 **B. Uses Permitted as a Matter of Right**

15 1. One single-family detached dwelling unit per lot.

16 2. One zero lot line dwelling unit per lot.

17 3. Single-family semi-detached dwellings.

18 4. Farming, provided that on a residential lot or parcel of less than 40,000 square feet no
19 livestock shall be permitted. However, residential chicken keeping is allowed as noted in
20 Section 128.0.

21 5. Conservation areas, including wildlife and forest preserves, environmental management
22 areas, reforestation areas, and similar uses.

23 6. Convents and monasteries used for residential purposes.

24 7. Government structures, facilities and uses, including public schools and colleges.

25 8. Private recreational facilities, such as swimming pools, basketball courts and tennis
26 courts, reserved for the use of on-site residents and their guests. Such facilities may be
27 located within condominium developments as well as within communities where all
28 properties are included within recorded covenants and liens which govern and provide
29 financial support for operations of the facilities.

9. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, subject to the requirements of Section 128.0.B.
10. Seasonal sales of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.0.D.
11. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other similar public utility uses not requiring a Conditional Use.
12. Commercial communication antennas attached to structures, subject to the requirements of Section 128.0.E.4. Commercial communication towers located on government property, excluding School Board property, and with a height of less than 200 feet measured from ground level, subject to the requirements of Sections 128.0.E.2 and 128.0.E.3. This height limit does not apply to government communication towers, which are permitted as a matter of right under the provisions for "Government structures, facilities and uses."
13. Volunteer fire departments.
14. Rooftop solar collectors.
- 15. ONE TWO-FAMILY DWELLING UNIT PER LOT.**

C. Accessory Uses

The following are permitted accessory uses in the R-12 District. More than one accessory use shall be permitted on a lot, provided that the combination of accessory uses remains secondary, incidental and subordinate to the principal use.

1. Any use normally and customarily incidental to any use permitted as a matter of right in this District. Accessory structures are subject to the requirements of section 128.0.A.
2. Accessory ~~[[apartments]]~~**DWELLING UNIT**, subject to the requirements of section 128.0.A.~~[[~~, provided that:
 - a. The area of the lot is at least 12,000 square feet;
 - b. Except for an exterior entrance and necessary parking area, there shall be no external evidence of the accessory apartment; and,
 - c. The accessory apartment shall have no more than two bedrooms. ~~]]~~

- 1 3. Farm tenant houses, caretakers' cottages and similar uses customarily accessory to
2 agricultural and residential estate uses, provided that these uses shall not be permitted on
3 parcels of less than 50 acres, and further provided that one unit shall be allowed for each
4 50 acres of that parcel.
- 5 4. The housing by a resident family of:
 - 6 a. Not more than four non-transient roomers or boarders; or
 - 7 b. Not more than eight mentally and/or physically disabled persons or persons 62 years
8 of age or older, provided the use is registered, licensed or certified by the State of
9 Maryland; or
 - 10 c. A combination of a and b above, provided that the total number of persons housed in
11 addition to the resident family does not exceed eight.
- 12 5. Home occupations, subject to the requirements of Section 128.0.C.
- 13 6. Home care, provided that if home care is combined with housing of mentally or physically
14 disabled persons or persons 62 years of age or older, as allowed by Subsection 4.b above,
15 the total number of persons receiving home care at any one time plus the number of persons
16 being housed shall not exceed eight.
- 17 7. Parking:
 - 18 a. Off-street parking of no more than two commercial vehicles on lots of three or more
19 acres and no more than one commercial vehicle on lots of less than three acres. Private
20 off-street parking is restricted to vehicles used in connection with or in relation to a
21 principal use permitted as a matter of right in the district.
 - 22 b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or
23 destroyed motor vehicles shall not be permitted, except as provided by Section 128.0.D.
- 24 8. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet or
25 smaller, such storage shall be limited to the following:
 - 26 a. One recreational vehicle with a length of 30 feet or less; and
 - 27 b. One boat with a length of 20 feet or less.
- 28 9. Farm stand, subject to the requirements of Section 128.0.I.
- 29 10. Snowball stands, subject to the requirements of Section 128.0.D.
- 30 11. Home-based contractors on lots larger than two acres, subject to the requirements of
31 Section 128.0.C.2.

12. Small Wind Energy System, building mounted, on single-family detached dwellings and non-residential structures only, subject to the requirements of Section 128.0.L.

13. Residential chicken keeping, subject to the requirements of Section 128.0.D.

14. Accessory ground-mount solar collectors.

15. Bed and breakfast inns, subject to the requirements of Section 128.0.I.

D. Bulk Regulations

(Also see Section 128.0.A Supplementary Bulk Regulations.)

2. Minimum lot size (except as provided in Section 109.0.F of these Regulations for mandatory open space)12,000 sq. ft. **EXCEPT THAT TWO-FAMILY DWELLING UNITS REQUIRE A MINIMUM LOT SIZE OF.....16,000 SQ. FT.**

Howard County Zoning Regulations.

Section 110.0: R-SC (Residential: Single Cluster) District.

Section 110.0: R-SC (Residential: Single Cluster) District

C. Accessory Uses

The following are permitted accessory uses in the R-SC District. More than one accessory use shall be permitted on a lot, provided that the combination of accessory uses remains secondary, incidental and subordinate to the principal use.

2. Accessory ~~[[apartments]]~~ **DWELLING UNIT**, subject to the requirements of Section 128.0.A. ~~[[, provided that:~~
- a. The area of the lot is at least 12,000 square feet;
 - b. Except for an exterior entrance and necessary parking area, there shall be no external evidence of the accessory apartment; and,
 - c. The accessory apartment shall have no more than two bedrooms. ~~]]~~

Howard County Zoning Regulations.

Section 111.0: R-SA-8 (Residential: Single Attached) District.

Section 111.0: R-SA-8 (Residential: Single Attached) District

1 **C. Accessory Uses**

2 The following are permitted accessory uses in the R-SA-8 District. More than one accessory use
3 shall be permitted on a lot, provided that the combination of accessory uses remains secondary,
4 incidental and subordinate to the principal use.

5 2. Accessory ~~[[apartments]]~~ DWELLING UNIT, subject to the requirements of Section
6 128.0.A.[, provided that:

- 7 a. The area of the lot is at least 12,000 square feet;
8 b. Except for an exterior entrance and necessary parking area, there shall be no external
9 evidence of the accessory apartment; and,
10 c. The accessory apartment shall have no more than two bedrooms.]]

11
12 **Howard County Zoning Regulations.**

13 **Section 111.1: R-H-ED (Residential: Historic-Environmental ~~[[District]]~~) DISTRICT.**

14
15 **Section 111.1: R-H-ED (Residential: Historic-Environmental ~~[[District]]~~) DISTRICT**

16 **C. Accessory Uses**

17 The following are permitted accessory uses in the R-H-ED District. More than one accessory use
18 shall be permitted on a lot, provided that the combination of accessory uses remains secondary,
19 incidental and subordinate to the principal use.

20 1. Any use normally and customarily incidental to any use permitted as a matter of right in
21 this District. Accessory structures are subject to the requirements of Section 128.0.A.

22 **2. ACCESSORY DWELLING UNIT, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.A.**

23 ~~[[2]]~~3. Farm tenant houses, caretakers' cottages and similar uses customarily accessory to
24 agricultural and residential estate uses, provided that these uses shall not be permitted on
25 parcels of less than 50 acres, and further provided that one unit shall be allowed for each
26 50 acres of that parcel.

27 ~~[[3]]~~4. The housing by a resident family of:

- 28 a. Not more than four non-transient roomers or boarders; or
29 b. Not more than eight mentally and/or physically disabled persons or persons 62 years
30 of age or older, provided the use is registered, licensed or certified by the State of
31 Maryland; or

1 c. A combination of a and b above, provided that the total number of persons housed in
2 addition to the resident family does not exceed eight.

3 ~~[[4]]~~5. Home occupations, subject to the requirements of Section 128.0.C.

4 ~~[[5]]~~6. Home care, provided that if home care is combined with housing of mentally or
5 physically disabled persons or persons 62 years of age or older, as allowed by Subsection
6 4.b above, the total number of persons receiving home care at any one time plus the number
7 of persons being housed shall not exceed eight.

8 ~~[[6]]~~7. Parking:

9 a. Off-street parking of no more than two commercial vehicles on lots of three or more
10 acres and no more than one commercial vehicle on lots of less than three acres. Private
11 off-street parking is restricted to vehicles used in connection with or in relation to a
12 principal use permitted as a matter of right in the district.

13 b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or
14 destroyed motor vehicles shall not be permitted, except as provided by Section 128.0.D.

15 ~~[[7]]~~8. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet or
16 smaller, such storage shall be limited to the following:

17 a. One recreational vehicle with a length of 30 feet or less; and

18 b. One boat with a length of 20 feet or less.

19 ~~[[8]]~~9. Snowball stands, subject to the requirements of Section 128.0.D.

20 ~~[[9]]~~10. Small Wind Energy System, building mounted, on single-family detached dwellings
21 and non-residential structures only, subject to the requirements of Section 128.0.L.

22 ~~[[10]]~~11. Accessory ground-mount solar collectors.

23
24 **Howard County Zoning Regulations.**

25 **Section 112.0: R-A-15 (Residential: Apartments) District.**

26
27 **Section 112.0: R-A-15 (Residential: Apartments) District**

28 **C. Accessory Uses**

29 1. Any use normally and customarily incidental to any use permitted as a matter of right in
30 this District.

31 2. **ACCESSORY DWELLING UNIT, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.A.**

1 [[2]]3. Farm tenant houses, caretakers' cottages and similar uses customarily accessory to
2 agricultural and residential estate uses, provided that these uses shall not be permitted on
3 parcels of less than 50 acres, and further provided that one unit shall be allowed for each
4 50 acres of that parcel.

5 [[3]]4. The housing by a resident family of:

- 6 a. Not more than four non-transient roomers or boarders; or
- 7 b. Not more than eight mentally and/or physically disabled persons or persons 62 years
8 of age or older, provided the use is registered, licensed or certified by the State of
9 Maryland; or
- 10 c. A combination of a and b above, provided that the total number of persons housed in
11 addition to the resident family does not exceed eight.

12 [[4]]5. Home occupations, subject to the requirements of Section 128.0.C.

13 [[5]]6. Home care, provided that if home care is combined with housing of mentally or
14 physically disabled persons or persons 62 years of age or older, as allowed by Subsection
15 4.b above, the total number of persons receiving home care at any one time plus the number
16 of persons being housed shall not exceed eight.

17 [[6]]7. Parking:

- 18 a. Off-street parking of no more than two commercial vehicles on lots of three or more
19 acres and no more than one commercial vehicle on lots of less than three acres. Private
20 off-street parking is restricted to vehicles used in connection with or in relation to a
21 principal use permitted as a matter of right in the district.
- 22 b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or
23 destroyed motor vehicles shall not be permitted, except as provided by Section 128.0.D.

24 [[7]]8. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet or
25 smaller, such storage shall be limited to the following:

- 26 a. One recreational vehicle with a length of 30 feet or less; and
- 27 b. One boat with a length of 20 feet or less.

28 [[8]]9. Snowball stands, subject to the requirements of Section 128.0.D.

29 [[9]]10. Small Wind Energy System, building mounted, on single-family detached dwellings
30 and non-residential structures only, subject to the requirements of Section 128.0.L.

31 [[10]]11. Accessory ground-mount solar collectors

Howard County Zoning Regulations.

Section 112.1: R-APT (Residential: Apartments) District.

Section 112.1: R-APT (Residential: Apartments) District

C. Accessory Uses

1. Any use normally and customarily incidental to any use permitted as a matter of right in this District.

2. ACCESSORY DWELLING UNIT, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.A.

[[2]]3. Farm tenant houses, caretakers' cottages and similar uses customarily accessory to agricultural and residential estate uses, provided that these uses shall not be permitted on parcels of less than 50 acres, and further provided that one unit shall be allowed for each 50 acres of that parcel.

[[3]]4. The housing by a resident family of:

- a. Not more than four non-transient roomers or boarders; or
- b. Not more than eight mentally and/or physically disabled persons or persons 62 years of age or older, provided the use is registered, licensed or certified by the State of Maryland; or
- c. A combination of a and b above, provided that the total number of persons housed in addition to the resident family does not exceed eight.

[[4]]5. Home occupations, subject to the requirements of Section 128.0.C.

[[5]]6. Home care, provided that if home care is combined with housing of mentally or physically disabled persons or persons 62 years of age or older, as allowed by Subsection 4.b above, the total number of persons receiving home care at any one time plus the number of persons being housed shall not exceed eight.

[[6]]7. Parking:

- a. Off-street parking of no more than two commercial vehicles on lots of three or more acres and no more than one commercial vehicle on lots of less than three acres. Private off-street parking is restricted to vehicles used in connection with or in relation to a principal use permitted as a matter of right in the district.
- b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or destroyed motor vehicles shall not be permitted, except as provided by Section 128.0.D.

1 [[7]]8. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet or
2 smaller, such storage shall be limited to the following:

- 3 a. One recreational vehicle with a length of 30 feet or less; and
- 4 b. One boat with a length of 20 feet or less.

5 [[8]]9. Snowball stands, subject to the requirements of Section 128.0.D.

6 [[9]]10. Small Wind Energy System, building mounted, on single-family detached dwellings
7 and non-residential structures only, subject to the requirements of Section 128.0.L.

8 [[10]]11. Accessory ground-mount solar collectors.

Howard County Zoning Regulations.

Section 113.1: R-MH (Residential: Mobile Home) District.

Section 113.1: R-MH (Residential: Mobile Home) District

C. Accessory Uses

15 The following are permitted accessory uses in the R-MH District. More than one accessory use
16 shall be permitted on a lot, provided that the combination of accessory uses remains secondary,
17 incidental and subordinate to the principal use.

- 18 1. Any use normally and customarily incidental to any use permitted as a matter of right in
19 this District.

2. ACCESSORY DWELLING UNIT, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.A.

21 [[2]]3. The housing of not more than four non-transient roomers or boarders by a resident
22 family.

23 [[3]]4. Home occupations, subject to the requirements of Section 128.0.C.

24 [[4]]5. Home care.

25 [[5]]6. Parking:

- 26 a. Off-street parking of no more than two commercial vehicles on lots of three or more
27 acres and no more than one commercial vehicle on lots of less than three acres. Private
28 off-street parking is restricted to vehicles used in connection with or in relation to a
29 principal use permitted as a matter of right in the district.

- 30 b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or
31 destroyed motor vehicles shall not be permitted, except as provided by Section 128.0.D.

1 [[6]]7. Management office and maintenance facilities in mobile home parks.

2 [[7]]8. Central common laundry facilities in mobile home parks.

3 [[8]]9. Convenience establishments of a commercial nature, not including Motor Vehicle
4 Fueling Facility but including stores, day care centers, coin-operated laundries and dry
5 cleaners, beauty and barber shops, may be permitted in mobile home parks, provided that
6 such establishments and the parking areas primarily related to their operations:

- 7 a. May occupy up to 5% of the area of the park, but in any case, not more than two and
8 one-half acres,
- 9 b. Shall be subordinate to the residential use and character of the park,
- 10 c. Shall be located, designed and intended to serve frequent trade or service needs of the
11 residents of the park, and
- 12 d. Shall present no visible evidence of their commercial character from any portion of any
13 residential district outside the park.

14 [[9]]10. Snowball stands, subject to the requirements of Section 128.0.D.

15 [[10]]11. Temporary storage of abandoned mobile homes in mobile home parks, provided that:

- 16 a. This use shall be limited to storage of mobile homes which were occupied and
17 subsequently abandoned by their owners within the mobile home park.
- 18 b. An abandoned mobile home shall be stored for a period of time not to exceed six
19 months.
- 20 c. Storage areas shall meet the bulk requirements of Section 113.1.D.3.b, except that the
21 minimum required distance between mobile homes shall not apply to the distance
22 between abandoned mobile homes.
- 23 d. Prior to moving an abandoned mobile home from its site to a storage area, a permit
24 shall be obtained from the Department of Planning and Zoning. The permit application
25 shall include a plan showing the storage area and documentation that the park owner
26 has begun the necessary proceedings in accordance with State law to take possession
27 of and remove the mobile home from the premises.

28 [[11]]12. Accessory ground-mount solar collectors.

30 **Howard County Zoning Regulations.**

31 **Section 114.1: R-VH (Residential: Village Housing) District.**

Section 114.1: R-VH (Residential: Village Housing) District

C. Accessory Uses

The following are permitted accessory uses in the R-VH District. More than one accessory use shall be permitted on a lot, provided that the combination of accessory uses remains secondary, incidental and subordinate to the principal use.

1. Any use normally and customarily incidental to any use permitted as a matter of right in this District.

2. ACCESSORY DWELLING UNIT, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.A.

[[2]]3. The housing by a resident family of:

- a. Not more than four non-transient roomers or boarders; or
- b. Not more than eight mentally and/or physically disabled persons or persons 62 years of age or older, provided the use is registered, licensed or certified by the State of Maryland; or
- c. A combination of a and b above, provided that the total number of persons housed in addition to the resident family does not exceed eight.

[[3]]4. Home occupations, subject to the requirements of Section 128.0.C.

[[4]]5. Home care, provided that if home care is combined with housing of mentally or physically disabled persons or persons 62 years of age or older, as allowed by Subsection 2.b above, the total number of persons receiving home care plus persons being housed shall not exceed eight.

[[5]]6. Parking:

- a. Off-street parking of no more than two commercial vehicles on lots of three or more acres and no more than one commercial vehicle on lots of less than three acres. Private off-street parking is restricted to vehicles used in connection with or in relation to a principal use permitted as a matter of right in the district.
- b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or destroyed motor vehicles shall not be permitted, except as provided by Section 128.0.D.

[[6]]7. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet or smaller, such storage shall be limited to the following:

- a. One recreational vehicle with a length of 30 feet or less; and
- b. One boat with a length of 20 feet or less.

[[7]]8. Accessory ground-mount solar collectors.

Howard County Zoning Regulations.

Section 114.2: HO (Historic: Office) District.

Section 114.2: HO (Historic: Office) District

C. Accessory Uses

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district.

2. ACCESSORY DWELLING UNIT, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.A.

[[2]]3. Community meeting houses, commercial establishments for receptions and parties.

[[3]]4. Antennas accessory to a principal use on the lot.

[[4]]5. Private parks, athletic fields, exercise facilities, tennis courts, basketball courts and similar private, non-commercial recreation facilities.

[[5]]6. Accessory ground-mount solar collectors.

Howard County Zoning Regulations.

Section 114.3: HC (Historic: Commercial) District.

Section 114.3: HC (Historic: Commercial) District

C. Accessory Uses

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district.

2. ACCESSORY DWELLING UNIT, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.A.

[[2]]3. Antennas accessory to a principal use on the lot.

[[3]]4. Private parks, athletic fields, exercise facilities, tennis courts, basketball courts and similar private, non-commercial recreation facilities.

[[4]]5. Accessory ground-mount solar collectors.

Howard County Zoning Regulations.

Section 126.0: PGCC (Planned Golf Course Community) District.

Section 126.0: PGCC (Planned Golf Course Community) District

C. Accessory Uses

1. The following are permitted as accessory uses to residential uses in the PGCC District. More than one accessory use shall be permitted on a lot, provided that the combination of accessory uses remains secondary, incidental and subordinate to the principal use.
- a. Any use normally and customarily incidental to any use permitted as a matter of right.
 - b. Accessory **DWELLING UNIT, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.A**
[[apartments, provided that:
 - (1) The area of the lot is at least 12,000 square feet.
 - (2) Except for an exterior entrance and necessary parking area, there shall be no external evidence of the accessory apartment.
 - (3) The accessory apartment shall have no more than two bedrooms.]]
 - c. The housing by a resident family of:
 - (1) Not more than four non-transient roomers or boarders; or
 - (2) Not more than eight mentally and/or physically disabled persons or persons 62 years of age or older, provided the use is registered, licensed or certified by the State of Maryland; or
 - (3) A combination of a and b above, provided that the total number of persons housed in addition to the resident family does not exceed eight.
 - d. Home occupations, subject to the requirements of Section 128.0.C.
 - e. Home care, provided that if home care is combined with housing of mentally or physically disabled persons or persons 62 years of age or older, as allowed by Subsection c.(2) above, the total number of persons receiving home care at any one time plus the number of persons being housed shall not exceed eight.
 - f. Parking:
 - (1) Off-street parking of no more than two commercial vehicles on lots of three or more acres and no more than one commercial vehicle on lots of less than three acres.
Private off-street parking is restricted to vehicles used in connection with or in relation to a principal use permitted as a matter of right in the district.
 - (2) Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or destroyed motor vehicles shall not be permitted, except as provided by Section 128.0.D.

- 1 g. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet or
2 smaller, such storage shall be limited to the following:
3 (1) One recreational vehicle with a length of 30 feet or less; and
4 (2) One boat with a length of 20 feet or less.
5 h. Farm produce stand, not to exceed 300 square feet in floor area, for the retail sale of
6 crops, produce, flowers, livestock and poultry products, etc, grown or produced on the lot
7 or by the owner of the lot on which such structure is located. Appropriate on-site parking
8 spaces shall be provided.
9 i. Snowball stands, subject to the requirements of Section 128.0.D.
10 j. Small Wind Energy System, building mounted, subject to the requirements of Section
11 128.0.L
12 k. Accessory ground-mount solar collectors.
13

14 **Howard County Zoning Regulations.**

15 **Section 127.4: TOD (Transit Oriented Development) District.**

16
17 **Section 127.4: TOD (Transit Oriented Development) District**

18 **D. Accessory Uses**

- 19 1. Any use normally and customarily incidental to any use permitted as a matter of right in
20 this district.
21 2. **ACCESSORY DWELLING UNIT, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.A.**
22 ~~[[2]]~~3. Private parks, athletic fields, exercise facilities, tennis courts, basketball courts and
23 similar private, non-commercial recreation facilities.
24 ~~[[3]]~~4. Home occupations, subject to the requirements of Section 128.C.
25 ~~[[4]]~~5. Small Wind Energy System, building mounted, subject to the requirements of Section
26 128.0.L.
27 ~~[[5]]~~6. Accessory ground-mount solar collectors.
28

29 **Howard County Zoning Regulations.**

30 **Section 127.5: CAC (Corridor Activity Center) District.**

1 **Section 127.5: CAC (Corridor Activity Center) District**

2 **C. Accessory Uses**

3 1. Any use normally and customarily incidental to any use permitted as a matter of right in
4 this district.

5 2. **ACCESSORY DWELLING UNIT, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.A.**

6 [[2]]3. Home occupations, subject to the requirements of Section 128.C.

7 [[3]]4. Private parks, athletic fields, exercise facilities, tennis courts, basketball courts and
8 similar private, non-commercial recreation facilities.

9 [[4]]5. Retail sale of propane on the site of a principal retail business.

10 [[5]]6. Small Wind Energy System, building mounted, subject to the requirements of Section
11 128.0.L.

12 [[6]]7. Snowball stands, subject to the requirements of Section 128.D.5.

13 [[7]]8. Accessory ground-mount solar collectors.

14
15 **Howard County Zoning Regulations.**

16 **Section 127.6: TNC (Traditional Neighborhood Center) District.**

17
18 **Section 127.6: TNC (Traditional Neighborhood Center) District**

19 **D. Accessory Uses**

20 1. Any use normally and customarily incidental to any use permitted as a matter of right in
21 this district

22 2. **ACCESSORY DWELLING UNIT, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.A.**

23 [[2]]3. Home occupations, subject to the requirements of Section 128.C.

24 [[3]]4. Private parks, athletic fields, exercise facilities, tennis courts, basketball courts and
25 similar private, non-commercial recreation facilities.

26 [[4]]5. Retail sale of propane on the site of a principal retail business.

27 [[5]]6. Small Wind Energy System, building mounted, subject to the requirements of Section
28 128.0.L.

29 [[6]]7. Snowball stands, subject to the requirements of Section 128.D.5.

30 [[7]]8. Accessory ground-mount solar collectors.

Howard County Zoning Regulations.

Section 128.0. Supplementary Zoning District Regulations.

Section 128.0: - Supplementary Zoning District Regulations

A. Supplementary Bulk Regulations

The following supplementary regulations shall apply in addition to the requirements of the applicable zoning districts.

12. Regulations for detached accessory structures on residentially zoned lots developed with single-family detached dwellings

a. Size restrictions

(1) The maximum cumulative lot coverage permitted for all of the accessory structures located on any given residential lot developed with a single-family detached dwelling is:

(a) 600 square feet for a lot in the planned public water and sewer service area.

(b) 1,200 square feet for a lot in the RC or RR district which is 2 acres or less

(c) 2,200 square feet for a lot in the RC or RR district which is greater than 2 acres but less than 15 acres.

(d) 5,000 square feet for a lot in the RC or RR district that is 15 acres or greater.

(2) The cumulative lot coverage restrictions cited above shall apply to all accessory structures on any residentially zoned lot developed with a single-family detached dwelling, excepting only legitimate farm buildings located on properties meeting the definition of "farm", shipping containers used as accessory storage structures, **ACCESSORY DWELLING UNITS** and swimming pools. Farm structures, shipping containers used as accessory storage structures, **ACCESSORY DWELLING UNITS** and swimming pools are not subject to size restrictions; however, they must be subordinate and incidental to the principal use.

(3) Ground-mounted accessory solar collectors shall not count toward the lot coverage requirement provided they do not cover more than 2% of the lot.

b. Restrictions for accessory structures

1 Full baths, full kitchens, AND residential habitation ~~[[and commercial]]~~ ARE
2 PROHIBITED IN ACCESSORY STRUCTURES, EXCEPT AS PART OF AN APPROVED
3 ACCESSORY DWELLING UNIT. COMMERCIAL uses are ~~[[not permitted in accessory~~
4 ~~structures]]~~ PROHIBITED IN ALL ACCESSORY STRUCTURES, INCLUDING ACCESSORY
5 DWELLING UNITS.
6

7 13. Regulations for ~~[[Accessory Apartments]]~~ ACCESSORY DWELLING UNITS

8 The following shall apply to all ~~[[accessory apartments]]~~ ACCESSORY DWELLING UNITS:

- 9 a. The accessory apartment must be located within an owner occupied dwelling. The
10 owner may occupy either the principal dwelling or the ~~[[accessory apartment]]~~
11 ACCESSORY DWELLING UNIT.
12 b. ~~[[If the accessory apartment is within an addition to the existing dwelling it must share~~
13 ~~a common wall overlap of at least 50% of the length of the shared wall. The apartment~~
14 ~~cannot be separated from the principal dwelling by an attached garage or a~~
15 ~~breezeway.]]~~ ONLY ONE ACCESSORY DWELLING UNIT IS PERMITTED PER LOT, TRACT
16 OR PARCEL THAT IS DEVELOPED WITH A SINGLE-FAMILY DETACHED, SINGLE-FAMILY
17 ATTACHED, SINGLE-FAMILY SEMI-DETACHED AND TWO-FAMILY DWELLING UNITS.
18 c. ~~[[In all dwellings, an accessory apartment shall occupy no more than one-third of the~~
19 ~~net floor area of the building, up to a maximum of 1,500 square feet. The boundaries~~
20 ~~of the accessory apartment must encompass at a minimum area devoted to sleeping,~~
21 ~~food preparation, sanitary facilities and the intervening areas which link these. The~~
22 ~~floor area of the accessory apartment includes one-third of the area of shared storage~~
23 ~~or utility areas.~~

24 Accessory apartments which exceed 1,500 square feet or more than one-third of the net
25 floor area of the building may be permissible in the RC, RR, R-ED, R-20, or R-12
26 Districts if a Conditional Use for a two-family dwelling is approved by the Hearing
27 Authority.]] ACCESSORY DWELLING UNITS CAN BE SEPARATE FROM THE PRINCIPAL
28 SINGLE-FAMILY DETACHED, SINGLE-FAMILY ATTACHED, SINGLE-FAMILY SEMI-
29 DETACHED AND TWO-FAMILY DWELLING UNITS, ATTACHED AS AN ADDITION TO THE
30 PRINCIPAL SINGLE-FAMILY DETACHED, SINGLE-FAMILY ATTACHED, SINGLE-FAMILY
31 SEMI-DETACHED AND TWO-FAMILY DWELLING UNITS, OR WITHIN AN EXISTING

1 SINGLE-FAMILY DETACHED, SINGLE-FAMILY ATTACHED, SINGLE-FAMILY SEMI-
2 DETACHED AND TWO-FAMILY DWELLING UNITS.

3 d. An accessory ~~[[apartment]]~~ DWELLING UNIT shall operate only upon approval of a
4 permit issued by the Department of Planning and Zoning based on compliance with the
5 requirements of this section and those of the applicable zoning district with the permit
6 application, the owner must submit a floor plan drawn to scale which delineates the
7 boundaries of the accessory DWELLING UNIT~~[[apartment]]~~ and ~~[[identifies all of the~~
8 ~~living spaces as specified in (c) above.]]~~ A PLOT PLAN SHOWING COMPLIANCE WITH
9 THE MAX SIZE LIMITATION AND COMPLIANCE WITH THE REQUIRED SETBACKS.

10 E. ACCESSORY DWELLING UNITS SHALL HAVE A MAXIMUM SIZE LIMITATION EQUAL TO
11 75% OF THE SIZE OF THE PRINCIPAL SINGLE-FAMILY DETACHED, SINGLE-FAMILY
12 ATTACHED, SINGLE-FAMILY SEMI-DETACHED AND TWO-FAMILY DWELLING UNITS.
13 FOR THE PURPOSE OF THIS REGULATION, SIZE SHALL BE CALCULATED BASED ON THE
14 LOT COVERAGE OF THE PRINCIPAL DWELLING.

15 F. ACCESSORY DWELLING UNITS SHALL HAVE NO MORE THAN TWO BEDROOMS.

16 G. IF AN ACCESSORY DWELLING UNIT IS DETACHED FROM THE PRINCIPAL DWELLING, IT
17 SHALL COMPLY WITH THE ACCESSORY STRUCTURE SIDE AND REAR SETBACKS OF THE
18 UNDERLYING ZONING DISTRICT. AN ACCESSORY DWELLING UNIT WITHIN A
19 DETACHED STRUCTURE SHALL COMPLY WITH THE FRONT SETBACK REQUIREMENTS
20 OF THE UNDERLYING ZONING DISTRICT AND MAY BE LOCATED IN FRONT OF THE
21 PRINCIPAL SINGLE-FAMILY, SINGLE-FAMILY ATTACHED, AND SINGLE-FAMILY SEMI-
22 DETACHED DWELLING UNITS IF IT IS WITHIN AN EXISTING DETACHED STRUCTURE.

23
24 G. Traditional Residential Neighborhoods

25 3. Permitted Uses

26 Uses permitted as a matter of right, accessory uses, and Conditional Use shall be as
27 indicated in the applicable section of these Regulations, except that ~~[[accessory~~
28 ~~apartments]]~~ ACCESSORY DWELLING UNIT shall be permitted accessory uses in any
29 Traditional Residential Neighborhood subject to the following conditions:

1 [[a. The area of the lot shall be at least 8,000 square feet, unless the accessory apartment is
2 located in a Traditional Residential Neighborhood within a R-MH (Residential: Mobile
3 Home) District.]]

4 [[b]]A. The [[accessory apartment]]ACCESSORY DWELLING UNIT shall have no more than
5 two bedrooms.

Howard County Zoning Regulations.

Section 131.0. Conditional Uses.

Section 131.0. Conditional Uses

N. Conditional Uses and Permissible Zoning Districts

	Zoning Districts																														
Conditional Use	R C	R R	R- E D	R- 20	R- 12	R - S C	R- S A- 8	R- H- E D	R- A- 15	R- A P T	R- M H	R- SI	R- V H	C C T	T O D	C A C	T N C	P G C C	H O	H C	P O R	P E C	B R	O T	B- 1	B- 2	S C	M -1	M -2	C E	I
[[Dwelling, Accessory Family]]	[[✓	✓	✓	✓	✓]]																										
[[Two-family Dwellings and Accessory Apartments]]	[[✓	✓	✓	✓	✓	✓																									

12
13 The Hearing Authority may grant Conditional Uses in the specified districts in accordance with
14 the following minimum criteria.

16 [[18. Dwelling, Temporary Accessory Family

17 A Conditional Use may be granted in the RC, RR, R-ED, R-20 or R-12 Districts for a temporary
18 accessory family dwelling provided that:

- 19 a. The minimum lot size shall be 2 acres.

- 1 b. The temporary accessory family dwelling shall be accessory to a single-family detached dwelling
2 on the same lot.
- 3 c. If the temporary accessory family dwelling is a removable modular building, the maximum gross
4 floor area of the use shall be less than 1,000 square feet. If the temporary accessory family
5 dwelling is proposed as an alteration to an existing accessory building, the Hearing Authority
6 may increase the maximum gross floor area of the use to 1,000 square feet or greater, provided
7 that the use clearly remains subordinate to the principal dwelling on the lot. A temporary
8 accessory family dwelling is not subject to the standard lot coverage regulations for accessory
9 structures in Section 128.0.A.
- 10 d. For newly constructed or installed temporary accessory family dwellings, the petition shall
11 include a plan for appropriate screening as necessary to provide an attractive buffering for
12 neighboring residential properties.
- 13 e. A resident of the temporary accessory family dwelling shall be a relative of at least one resident
14 of the principle dwelling and shall either be:
- 15 (1) 62 years of age or older; or
- 16 (2) 18 years of age or older and determined by a qualified medical authority to have physical,
17 mental, or developmental impairments that:
- 18 (a) Are expected to be of a long, continued and indefinite duration;
- 19 (b) Substantially impede the ability to live independently or are of such a nature that the
20 ability to live independently is facilitated by more suitable living conditions.
- 21 f. If determined necessary by a qualified medical authority, a long-term caregiver shall also
22 be permitted to reside in the temporary accessory family dwelling.
- 23 g. No more than one temporary accessory family dwelling or accessory apartment shall be
24 permitted per lot.
- 25 h. The name of the elderly or disabled family member who will reside in the temporary
26 accessory family dwelling shall be documented with the Conditional Use approval. The
27 temporary accessory family dwelling shall only be used as a dwelling unit for the housing
28 of this elderly or disabled family member of the resident of the principal dwelling unit
29 and a long-term caregiver as provided above, and shall not be used as a dwelling unit by
30 any other person(s).
- 31 i. A Conditional Use for a temporary accessory family dwelling shall become void unless
32 an owner of the property provides an affidavit to the Hearing Authority once a year from

1 the date of approval attesting under penalties of perjury that the accessory family
2 dwelling continues to comply with the specific requirements of this section.

- 3 j. If the temporary accessory family dwelling is a removable modular building, it shall be
4 removed from the property within 60 days after the documented elderly or disabled
5 family member no longer resides in this dwelling. If the temporary accessory family
6 dwelling is established as an alteration to an existing accessory building, 60 days after the
7 documented elderly or disabled family member no longer resides in this building, the
8 alterations authorized by the Conditional Use shall be removed and the accessory
9 building shall no longer be used as a dwelling.]]

10
11 **[[19]]18. Farm Tenant House**

12 A Conditional Use may be granted in the RC and RR Districts for a farm tenant house as defined
13 in these Regulations, provided that:

- 14 a. The house is to be occupied by at least one person involved in a bona fide farming operation
15 of the owner. The petitioner shall provide documentation substantiating this requirement.
16 b. The house shall be located on a parcel which is principally used for farming and is at least
17 25 acres but less than 50 acres in area.
18 c. The parcel on which the farm tenant house will be located must be improved with a
19 principal dwelling unless, based on justification of need submitted by the petitioner, the
20 Hearing Authority authorizes an exception to this requirement based on the nature of
21 farming activities on the property.
22 d. In the event farming ceases to be the principal use on the property, the house shall either
23 be removed or converted to no longer be used for residential purposes, or the property
24 subdivided so that the house becomes a principal single-family detached dwelling on a
25 legal lot, except that a farm tenant house approved prior to October 6, 2013 shall not be
26 subject to this criteria.

27
28 **[[20]]19. Fast Food Restaurant**

29 A Conditional Use may be granted for a fast-food restaurant in the B-1, M-1 or M-2 Districts,
30 provided that:

- a. At least 20% of the site area will be landscaped. The petitioner shall submit a specific landscaping plan, which if approved becomes binding on the development of the facility. The landscaping plan must include plantings which enhance the appearance of the site from public roads and provide buffering for adjacent uses.
- b. The petitioner shall demonstrate that the noise generated by speakers for drive-through service lanes will not be audible from residentially zoned land and residential uses.
- c. If the site borders a residential district:
 - (1) A detailed lighting plan must be approved by the Hearing Authority.
 - (2) Solid walls such as masonry or wood and masonry may be required by the Hearing Authority. When solid walls are required, landscape planting is required between the wall and the property line.

[[21]]20. Funeral Homes and Mortuaries

A Conditional Use may be granted in the RC, RR, R-ED or R-20 Districts for funeral homes or mortuaries provided that:

- a. The area of the lot shall be not less than three acres.
- b. The site has frontage on and direct access to a collector or arterial highway designated in the General Plan.
- c. The design of new structures or additions to existing structures will be compatible in scale and character with residential development in the vicinity, as demonstrated by architectural elevations or renderings submitted with the petition.
- d. Buildings, parking areas and outdoor activity areas will be at least 50 feet from adjoining residentially zoned properties other than public road rights-of-way. The Hearing Authority may reduce this setback to no less than 20 feet or the minimum setback required by the zoning district, whichever is greater, if:
 - (1) The adjoining land is committed to a long term institutional or open space use that provides an equivalent or better buffer for vicinal residential development or;
 - (2) The petition includes detailed plans for screening consisting of a combination of a solid fence or wall and landscaping, or an equivalent combination, that presents an attractive and effective buffer for neighboring properties.

- e. At least 20% of the area within the building envelope shall be green space, not used for buildings, parking area or driveways. The building envelope is formed by the required structure setbacks from property lines and public street rights-of-way.

[[22]]21. Gases, Non-Toxic Industrial (Manufacture, Sale, Storage and Distribution)

A Conditional Use may be granted in the M-2 District for the manufacture, sale, storage and distribution of acetylene and other non-toxic industrial gases provided that:

- a. Maximum above-ground storage shall not exceed 10,000 gallons or its equivalent in pounds or cubic feet for each 20,000 square feet of lot area;
- b. When the use is closed or not operated for a continuous period of twelve months, the gas storage facilities shall be dismantled and removed from the site;
- c. The minimum structure and use setback from all property lines shall be 75 feet.

[[23]]22. Gasoline, Fuel Oil, Liquefied Petroleum and Compressed Natural Gas, Bulk Storage of

A Conditional Use may be granted in the B-2, M-1 or M-2 Districts for the bulk storage of gasoline, fuel oil, liquefied petroleum or compressed natural gas, provided that:

- a. Maximum storage above ground shall not exceed 10,000 gallons or its equivalent in pounds or cubic feet, for each 20,000 square feet of lot area. Except that total storage of liquefied petroleum or compressed natural gas in the B-2 District shall not exceed 2,000 gallons and no single container may contain more than 1,000 gallons of liquefied petroleum or compressed natural gas. Total storage above ground shall not exceed 20,000 gallons in the M-1 District but shall not be limited in the M-2 District
- b. If the use is closed or not operated for a continuous period of twelve months, the storage facilities shall be dismantled and removed from the site.
- c. Solid walls such as masonry or wood and masonry may be required by the Hearing Authority when the site adjoins a residential district. When solid walls are required, landscape planting is required between the outside of the wall and the property line.
- d. The minimum structure and use setback from all property lines shall be 75 feet.

[[24]]23. Reserved

1
2 **[[25]]24. Golf Courses**

3 A Conditional Use may be granted in the RC and RR Districts, on properties that are not ALPP
4 purchased or dedicated easement properties, and in the R-ED, R-20, R-12, R-SC or R-SA-8
5 Districts for country clubs with golf courses, provided that:

- 6 a. A minimum setback of 50 feet is required for all structures and uses from all adjoining
7 properties. This may be reduced by the Hearing Authority if the adjoining property is a
8 farm
- 9 b. A separation distance of at least 100 feet will be provided between the edge of golf course
10 fairways and existing residential structures. The design of the fairways shall minimize the
11 potential of errant golf shots from causing damage or hazards on adjoining properties to
12 the greatest extent possible.
- 13 c. Outdoor uses will be located and designed to shield residential property from noise or
14 nuisance.
- 15 d. Other athletic, recreational or social uses accessory to the principal use, such as typical
16 country club uses, are permitted if approved by the Hearing Authority
- 17 e. For an existing golf course approved prior to October 6, 2013, compliance with Section A
18 and Section B above is only necessary for significant redevelopment of the facility.
- 19 f. An existing use approved under the former Special Exception and Conditional Use
20 category for "Country Clubs and Golf Courses" prior to October 6, 2013, shall be
21 considered conforming under the conditions of the original approval. Enlargements and/or
22 extensions to this previously approved use shall only be subject to the general standards
23 and to Section A, Section C and Section D above.

24
25 **[[26]]25. Guest House**

26 A Conditional Use may be granted in the R-12 District for a guest house provided that:

- 27 a. The minimum lot size shall be 1 acre. The maximum lot size shall be 2 acres. The parcel
28 shall have frontage on and direct access to an arterial road designated in the General Plan
- 29 b. Accessory rural venue space uses are not permitted.
- 30 c. The Hearing Authority shall establish limitations on the size and frequency of indoor events
31 with food and drink, considering the size, design and location of the facility in relation to

1 neighboring properties. The guest house shall post rules to prevent guest noise from
2 disturbing neighbors.

3 d. The Hearing Authority shall establish limitations on the hours for trash collection and
4 deliveries.

5 e. The front setback for parking shall be the same as the front setback for structures.

6 f. The owner of the guest house shall reside on the property. The Hearing Authority may
7 permit the owner to reside off-site and allow a specific owner's agent if the Hearing
8 Authority finds that such an arrangement will ensure that the use will be properly
9 maintained and managed in accordance with all criteria and conditions.

10 g. The maximum floor area ratio ("FAR") for the guest house shall be 0.5 FAR.

11 h. The use shall have a minimum of 15 guest rooms and a maximum of 19 guest rooms.

12 i. On-site parking shall meet, but not exceed, minimum parking requirements for hotel and
13 motel uses. Parking shall be limited to approved paved parking spaces and there shall be
14 no off-site or valet parking.

15 j. Meals may be served to guests residing on the premises only and there shall be no public
16 restaurant use.

17
18 **[[27]]26. Historic Building Uses**

19 A Conditional Use may be granted for the conversion of a historic building in the RC, RR, R-ED,
20 R-20, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, R-APT, R-MH, POR, B-1, B-2, M-1, and M-2
21 Districts to apartments and in the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-A-15, R-APT
22 and R-MH Districts to business and professional offices, specialty stores, standard restaurants, arts
23 and crafts classes, antiques shops, art galleries, craft shops; bakeries (provided all goods baked on
24 the premises shall be sold at retail from the premises); furniture upholstery, and similar services;
25 personal service establishments; seasonal sale of Christmas trees or other decorative plant
26 materials, subject to the requirements of Section 128.0.D.4; service agencies; or community
27 meeting halls, provided that:

28 a. The building is a historic structure as defined in these Regulations.

29 b. The maximum number of dwelling units permitted shall be one dwelling unit for every 800
30 square feet of building area.

- 1 c. Extension or enlargement of the principal historical structure and all accessory structures
2 may not exceed 50% of the gross floor area of each individual building above that which
3 existed on August 1, 1989, when ZB 882R was adopted adding the historic building use
4 category to these Regulations.
- 5 d. Exterior alterations to the historic structure shall be architecturally compatible with the
6 historic structure as determined by the Historic District Commission, prior to the approval
7 of the Conditional Use.
- 8 e. A historic building converted into a community meeting hall or offices shall be subject to
9 the following standards:
- 10 (1) No material or equipment shall be stored outside of structures.
- 11 (2) Parking areas shall be set back a minimum of 30 feet from all property lines or
12 public street rights-of-way and screened from the roadway and adjacent
13 properties.
- 14 (3) The site shall have frontage on and direct access onto a collector or arterial road
15 designated in the General Plan
- 16 f. A historic building that is converted for historic venue uses shall be subject to the following
17 standards:
- 18 (1) The property is located in an R-20 district.
- 19 (2) The minimum lot size shall be 7 acres.
- 20 (3) The use shall not share a driveway with another residential lot.
- 21 (4) Parking areas shall be set back a minimum of 30 feet from all property lines or public
22 street rights-of-way, and as close as possible to the primary ingress or egress points,
23 and adequately screened to minimize visibility from the roadway and adjacent
24 properties.
- 25 (5) The site shall have frontage on and direct access onto a collector or arterial road
26 designated in the general plan.
- 27 (6) Outdoor use is permitted provided that any outdoor use area is located and screened to
28 adequately shield adjacent residential lots from noise and nuisance. Any temporary
29 structure, including tents, shall be within the fully screened approved outdoor use area.
- 30 (7) All outdoor uses shall be located within 350 feet of the principal historic structure on
31 the property.

- 1 (8) Petitioner shall submit a sound management plan demonstrating how sound from
2 outdoor uses will be managed to minimize adverse impacts on surrounding
3 residential properties. The sound management plan shall include provisions made to
4 mitigate the impact of any amplified sound equipment. The sound management plan
5 shall be reviewed by the hearing authority every three years.
- 6 (9) The source of all amplified music, including speakers and all relevant sound producing
7 or enhancing equipment, shall be sited within 175 feet of the principal historic structure
8 and not less than 200 feet from any adjacent residential dwelling, and remain in that
9 location during the entirety of an event.
- 10 (10) No amplified music shall be permitted between 7:00 p.m. and 11:00 a.m., unless
11 contained in a soundproof structure with no perceptible sound at lot lines.
- 12 (11) Section 8.900 of the County Code - Noise Affecting Residential Areas applies to all
13 events under this subsection.
- 14 (12) The petitioner will ensure that parking is sufficient and the perimeter of the property
15 is secure so that there is no overflow parking or pedestrian traffic from events by
16 patrons in any of the adjacent or nearby residential areas.
- 17 (13) Outdoor uses, including parking, shall be fully screened from all adjacent
18 properties, except along the boundary with any arterial road.
- 19 (14) The hearing authority may set the days, hours of operation, and maximum
20 number of guests for historic venue uses.
- 21 (15) For a historic building converted for historic venue use shall become void unless an
22 owner of the property provides an affidavit to the hearing authority once every six years
23 from the date of approval attesting under penalties of perjury that the historic building
24 converted for historic venue conditional use continues to comply with the specific
25 requirements of this section.
- 26 g. On an ALPP purchased or dedicated easement property, the following additional criteria
27 are required:
- 28 (1) The use shall not interfere with the farming operations or limit future farming
29 production.

(2) Any new building or building addition associated with the use, including any outdoor storage and parking area shall count towards the cumulative use cap of 2% of the easement

[[28]]27. Home-Based Contractors

A Conditional Use may be granted in the RC, RR and R-20 Districts for home-based contractors, subject to the following requirements, except that landscape contractors have separate requirements elsewhere in Section 131.0.N., and home-based contractors meeting the requirements of Section 128.0.C.2 are permitted accessory uses:

a. The minimum lot size is three acres in the RC and RR Districts. The minimum lot size is 2.5 acres in the R-20 district and the lot shall abut an intermediate arterial highway, as designated in the General Plan.

b. The number of commercial vehicles parked on the site shall be limited to three commercial vehicles for lots up to six acres, and five commercial vehicles for lots larger than six acres and not more than 20 acres.

On lots larger than 20 acres, the Hearing Authority may approve additional commercial vehicles, as is determined to be appropriate based upon the character of the property and its relation to the surrounding area.

c. On lots six acres or fewer, the area used for parking and storage of commercial vehicles, equipment and supplies, whether exterior or interior, shall be limited to no more than 50% of the area of the lot or 10,000 square feet, whichever is less. On lots larger than six acres, the area used for these purposes shall be limited to no more than 5% of the lot or one acre, whichever is less.

d. In the RR and RC Districts, structures used for the Conditional Use shall be at least 50 feet from lot lines and all outdoor parking or storage areas shall be at least 100 feet from lot lines.

e. In the R-20 district, structures for and uses of the home-based contractor conditional use shall be restricted as follows:

(1) The use shall not alter the residential appearance of the neighborhood.

(2) The structures used for the Conditional Use shall be at least 100 feet from the nearest residential lot lines.

1 (3) Outdoor parking or storage areas shall be at least 75 feet from residential lot lines and
2 screened from public streets and residential lots by solid walls, fences, or a tree buffer
3 at least 25 feet wide.

4 f. The location and design of the operation shall be such that the use will not be a nuisance
5 to residents of neighboring properties due to noise, dust or fumes. Particular consideration
6 shall be given to the location of loading areas, parking and circulation areas, and driveways
7 in relation to neighboring properties.

8 g. If the driveway providing access to the proposed site is shared with other properties, the
9 petitioner shall demonstrate that the use will not result in damage to or deterioration of the
10 shared driveway or in increased hazards to other users of the driveway.

11 h. Parking and storage areas shall be restricted as follows:

12 (1) Supplies shall be stored within a building, except that mulch, compost, soil, sand, stone
13 and other natural materials may be stored outdoors. Supplies stored outdoors must be
14 fully screened from surrounding properties and roads by vegetation, fencing or other
15 appropriate means in accordance with the County Landscape Manual.

16 (2) Equipment shall be either stored within a building or screened from surrounding
17 properties and roads by vegetation, fencing or other appropriate means in accordance
18 with the Howard County Landscape Manual.

19 i. The Hearing Authority shall establish the maximum number of employees permitted on
20 the lot and the maximum allowable number of employee trips per day.

21 j. The Hearing Authority shall establish the days and hours of operation.

22 k. New structures or additions to existing structures shall be designed to be compatible in
23 appearance and scale with other residential or agricultural structures in the vicinity, as
24 demonstrated by architectural elevations or renderings that shall be submitted with the
25 petition.

26 l. Minor repairs to vehicles or equipment shall be permitted, provided such activities take
27 place inside a building. Body work, engine rebuilding, engine reconditioning, painting and
28 similar activities shall not be permitted.

29 m. Where two or more adjacent lots are under common ownership and used as a single
30 homesite, home-based contracting uses may be located on a different lot than the principal
31 dwelling, if the Hearing Authority determines that this will provide a more compatible

1 location in relation to vicinal properties that effective screening will be provided by using
2 existing site features, or that it will result in decreased impacts on neighboring lots.

- 3 n. On an ALPP purchased or dedicated easement property, the following additional criteria
4 are required:

5 (1) The use shall not interfere with the farming operations or limit future farming
6 production.

7 (2) Any new building or building addition associated with the use, including any outdoor
8 storage and parking area shall count towards the cumulative use cap of 2% of the
9 easement.

10
11 **[[29]]28. Home Occupations**

12 A Conditional Use may be granted in the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-H-ED R-
13 A-15, R-APT, R-MH, R-VH, PGCC, TOD, CAC and TNC Districts for home occupations subject
14 to the following requirements. Home occupations meeting all requirements of Section 128.0.C.1
15 are permitted accessory uses:

- 16 a. Home occupations approved under this section include the following uses:

17 (1) Those listed in Section 128.0.C. which exceed the floor area restrictions or the
18 nonresident employee or client visitation limitations of that Section;

19 (2) Home Occupations which plan to construct a new detached accessory structure;

20 (3) Individual or group instruction of more than 6 students at one time in an academic or
21 non-academic subject;

22 (4) Catering, subject to health department approval; and

23 (5) Other home occupations may be approved by the Hearing Examiner for single-family
24 detached properties 12,000 square feet or greater in area, excluding specific home
25 based businesses that are allowed under other Conditional Use categories listed at the
26 beginning of Section 131.0.N.

- 27 b. The total area devoted to the home occupation may exceed 33% of the gross floor area of
28 the dwelling.

- 29 c. The petition shall include a plot plan showing the location and dimensions of structures,
30 parking areas and driveways and a floor plan showing the dimensions and boundaries of
31 the home occupation.

- 1 d. The home occupation shall be located entirely within the dwelling, an accessory building,
2 or both.
- 3 e. The home occupation shall not alter the residential character or appearance of the dwelling
4 or the lot. An existing or proposed accessory building used for the home occupation must
5 be compatible in scale, character and appearance with the residential character of the site
6 and the neighborhood.
- 7 f. There shall be no exterior evidence, other than a permitted sign, to indicate that the site is
8 being used for any purpose other than that of a dwelling. Exterior evidence shall include
9 outdoor display or storage, noise, dust, vibration, glare, fumes or odors or extensive parking
10 area.
- 11 g. The unrestricted sale or rental of commodities may not take place on the lot.
12 Allowed sales related activities include: processing orders by mail, telephone or computer;
13 receiving and mailing merchandise (subject to the limitation on truck deliveries); storage
14 of catalogues, samples, previously ordered merchandise and inventory; office functions
15 such as telephone, computer, and record keeping. In addition, occasional, small volume
16 sales associated with home parties held for the purposes of the display and sale of goods
17 such as cookware, fashion accessories, skin care products, etc. may occur on the site at a
18 frequency determined by the Hearing Authority.
- 19 h. Prohibited home occupations include, but are not limited to the following uses:
20 (1) Vehicle repair, sales or rentals.
21 (2) Restaurants.
22 (3) Laundry and dry cleaning services.
23 (4) Firearm sales.
- 24 i. The home occupation shall be principally conducted by persons residing in the dwelling.
25 In addition, not more than five nonresident employees may work on the lot at one time in
26 connection with the home occupation.
- 27 j. Business-related off-street parking areas shall be screened from public roads and
28 neighboring properties.
- 29 k. No business-related deliveries by trucks with more than two axles shall be permitted. Parcel
30 post and other similar delivery trucks are permitted.

1 1. On an ALPP purchased or dedicated easement property, the following additional criteria
2 are required:

3 (1) The use shall not interfere with the farming operations or limit future farming
4 production.

5 (2) Any new building addition associated with the use, including any outdoor storage and
6 parking area shall count towards the cumulative use cap of 2% of the easement.
7

8 **[[30]]29. Junk Yard**

9 A Conditional Use may be granted for a junk yard in the M-2 District, provided that:

10 a. The lot for the proposed junk yard shall be not less than one but not more than five acres.

11 b. Outdoor areas used for the processing, dismantling, cleaning or storage of parts, material
12 or motor vehicles will be:

13 (1) At least 300 feet from any other zoning district, at least 50 feet from public street rights-
14 of-way and at least 30 feet from property lines; and

15 (2) Enclosed by a solid wood or masonry wall or fence, 6 to 8 feet high, of a design
16 approved by the Hearing Authority. Building walls may form part of the enclosure.

17 c. No storage of tires shall be permitted.

18 d. All toxic materials shall be properly disposed of in accordance with established Federal,
19 State and County Regulations.
20

21 **[[31]]30. Kennels and Pet Grooming Establishments**

22 A Conditional Use may be granted in the RC, RR or R-20 Districts for kennels or pet grooming
23 establishments, and in the B-1 District for kennels, provided that:

24 a. For kennels housing or training eleven or more animals at one time, the following
25 requirements shall apply:

26 (1) Minimum lot size5 acres

27 (2) Minimum setback for outdoor training and exercise areas and outside pens and runs
28 from any lot line200 feet

29 (3) Minimum structure setback

30 a) From public street right-of-way100 feet

31 b) From any other lot line200 feet

1 (4) The Hearing Authority may reduce the 200 foot setback from lot lines for structures
2 and outdoor training and exercise areas and outside pens or runs to a distance no less
3 than 150 feet if it finds that the setback reduction will not adversely affect neighboring
4 properties due to visual impact, noise, dust, odors or other causes, and that the outdoor
5 training area, pen, run or structure will be located at least 200 feet from existing
6 dwellings on different lots. Outside pens and runs and outdoor training and exercise
7 areas for which this setback reduction is approved shall be enclosed by solid fences or
8 walls.

9 b. For pet grooming establishments not located completely within a residence, or for kennels
10 housing or training no more than eight animals at any one time, the following requirements
11 shall apply:

12 (1) Minimum lot size3 acres

13 (2) Minimum setback for outdoor training and exercise areas and outside pens and runs
14 from any lot line150 feet

15 (3) Minimum structure setback:

16 a) From public street right-of-way75 feet

17 b) From any other lot line100 feet

18 c. For pet grooming establishments in which all business activities take place within a
19 residence, the minimum lot size shall be 40,000 square-feet.

20 d. All parking areas and outside pens and runs, and as appropriate, all buildings shall be
21 screened by landscaping or other suitable means from adjoining properties and public street
22 rights-of-ways.

23 e. Disposal of wastes must be such that odors or other emissions are not perceptible at lot
24 lines;

25 f. The lot shall have frontage on and direct access to a collector or arterial road designated in
26 the General Plan.

27 g. On an ALPP purchased or dedicated easement property, the following additional criteria
28 are required:

29 (1) The use shall not interfere with farming operation or limit future farming production.

(2) Any new building or building addition associated with the use, including any outdoor storage and parking area shall count towards the cumulative use cap of 2% of the easement.

[[32]]31. Landscape Contractors

A Conditional Use may be granted in the RC and RR Districts for landscape contractors, provided that:

- a. The site is at least 5 acres in area.
- b. Buildings and outdoor areas to be used for parking, loading and storage of vehicles, equipment and tools and supplies shall be delineated on the Conditional Use plan and located at least 100 feet from lot lines and public roads.
- c. The location and design of the operation shall be such that the use will not be a nuisance to neighboring properties due to noise, dust or fumes.
- d. Buildings used for storage or offices will be screened or compatible in scale and character with other residential or agricultural structures in the vicinity. If new structures or additions to structures are proposed, architectural elevations or renderings must be submitted with the petition.
- e. Outdoor parking and storage areas shall be screened from neighboring properties and roads.
- f. Minor repairs to vehicles or equipment are permitted, provided such activities take place inside a building. Body work, engine rebuilding, engine reconditioning, painting and similar activities are not permitted.
- g. The area used for parking and storage of commercial vehicles, equipment, materials and supplies, whether exterior or interior, shall be limited to no more than 5% of the area of the lot.
- h. The Hearing Authority shall set limits on the maximum number of employees and shall set the days and hours of operation.
- i. A snow removal service shall not be conducted as an accessory use unless specifically authorized by the Hearing Authority, upon finding that the noise and level of activity of such a service will not be a nuisance to the neighborhood.
- j. On an ALPP purchased or dedicated easement property, the following additional criteria are required:

- (1) The use shall not interfere with farming operations or limit future farming production.
- (2) Any new building or building addition associated with the use, including any outdoor storage and parking area shall count towards the cumulative use cap of 2% of the easement.

[[33]]32. Rural Venue Space

A Conditional Use may be granted for rural venue space in the RC District, provided that:

- a. The minimum lot size is 5 acres or greater.
- b. The driveway providing access to the proposed site provides adequate site distance and has the capacity to accommodate expected traffic. the driveway access to the site shall not be shared with other properties; however, the Hearing Authority may waive this criteria if the Petitioner provides a use-in-common easement signed by the owners of all properties that have a legal right to share the driveway confirming they do not object to the use of the driveway for the use. The easement shall (i) State that the agreement runs with the land and binds all future owners and (ii) Be recorded in the land records of Howard County. If the site has direct access to and frontage on a local road, the petitioner shall demonstrate that the use will not adversely impact use of the local road by demonstrating adequate sight distance and capacity to manage the anticipated volume of road use.
- c. The petitioner shall provide a traffic management plan and a sight distance analysis.
- d. The rural venue space are the following private functions: Picnics, weddings, anniversary/retirement parties, bridal or baby showers, not for profit organization fund raisers, banquets, rehearsal dinners, philanthropic events, or other similar events.
- e. Any outdoor assembly area is located and designed to shield residential property from noise or nuisance and screened from adjacent residential properties. For amplified noise, the property owner must keep a noise log of recorded decibels to show compliance with County's noise ordinance. Decibels must be recorded at the property line and taken at least 3 separate times including the beginning, middle, and end of the amplified music event. The log must be furnished upon the request of the Department of Planning and Zoning. Any amplified noise after 10pm must be located indoors.
- f. Rural venue space events shall have the following limitations:
 - (1) Maximum capacity shall not exceed:

1 (a) 150 attendees on a 5-acre parcel

2 (b) 250 attendees on a 20-acre parcel

3 (c) 10 additional attendees for each acre in excess of 20 acres not to exceed
4 300 attendees.

5 (2) No more than 25 of these events shall be held within a one year period, unless
6 additional events are approved by the Hearing Authority.

7 (3) Operation hours shall be restricted to between 9:00 a.m. and 10:00 p.m., Monday-
8 Thursday; between 12:00 p.m. and 12:00 a.m., Friday and Saturday; and between 12:00
9 p.m. and 10:00 p.m. Sunday.

10 g. Event activities are permitted to occur outdoors, within enclosed tents, and in newly
11 constructed facilities or existing structures.

12 h. Special events with catered food or food prepared on-site are subject to review by the food
13 protection program of the Howard County Department of Health and may require a special
14 events permit. The Conditional Use may not commence until the applicant has obtained
15 approval of all necessary permits for its operation.

16 i. On an ALPP purchased or dedicated easement property, the following additional criteria
17 are required:

18 (1) The use shall not interfere with farming operations or limit future farming production.
19

20 **[[34]]33. Mobile Homes for Security Purposes**

21 A Conditional Use may be granted in the M-1 or M-2 District for one mobile home to be used for
22 security purposes, provided that the property contains an outdoor storage facility for equipment,
23 supplies or products in connection with a use permitted in the M-1 or M-2 District. The petitioner
24 shall demonstrate that there is a need for the mobile home as a security measure.
25

26 **[[35]]34. Movie Theaters, Legitimate Theaters, Dinner Theaters**

27 A Conditional Use may be granted in the M-1, M-2 or CE Districts for movie theaters, legitimate
28 theaters and dinner theaters, provided that a determination is made by the Hearing Authority that
29 such use will not constitute a nuisance because of sidewalk or street traffic, noise or physical
30 activity, that such use will not adversely affect the use of adjoining properties, and that adequate
31 off-street parking facilities are available in close proximity to the proposed use.

1
2 **[[36]]35. Museums and Libraries**

3 A Conditional Use may be granted in the RC and RR Districts, on properties that are not ALPP
4 purchased or dedicated easement properties, and in the R-ED or R-20 Districts for museums, art
5 galleries, and libraries, provided that a determination is made by the Hearing Authority that such
6 use will not constitute a nuisance because of sidewalk or street traffic, noise or physical activity,
7 and that such use will not tend to adversely affect the use and development of adjoining properties.
8

9 **[[37]]36. Nonprofit Clubs, Lodges, Community Halls and Camps**

10 A Conditional Use may be granted in the RC and RR Districts, on properties that are not ALPP
11 purchased or dedicated easement properties, and in the R-ED, R-20, R-12, R-SC, R-SA-8 and R-
12 H-ED Districts for nonprofit clubs, including health or athletic clubs, nonprofit educational camps,
13 and similar nonprofit organizations, provided that:

- 14 a. Buildings, parking areas and outdoor activity areas will be at least 50 feet from adjoining
15 residentially-zoned properties other than public road right-of ways.
- 16 b. At least 20% of the area within the building envelope shall not be used for buildings,
17 parking areas or driveways. The building envelope is formed by the required structure and
18 use setbacks of the Zoning Regulations for the zoning district and the Subdivision and Land
19 Development Regulations.
- 20 c. Outdoor uses will be located and designed to shield residential property from noise or
21 nuisance. The Hearing Authority may set the days and hours of operation for outdoor uses.
- 22 d. The site has frontage on and direct access to a collector or arterial road designated in the
23 General Plan.
- 24 e. In the RC and RR Districts, the minimum lot size is three acres. In the R-ED, R-20, R-12,
25 R-SC, R-SA-8, and R-H-ED Districts, the minimum lot size is one acre.

26
27 **[[38]]37. Nursing Homes and Residential Care Facilities**

28 A Conditional Use may be granted in the RC, RR, R-ED, R-20, R-12, R-SC, R-SA-8, R-H-ED, R-
29 A-15, R-APT, R-MH, R-VH, CAC and TNC Districts for nursing homes and residential care
30 facilities, provided that:

- 31 a. The facility shall have 16 or fewer beds.

- b. The minimum lot size for a new facility is one acre. An existing facility does not have to comply with this criteria.
- c. The design of new structures or additions to existing structures will be compatible in scale and character with residential development in the vicinity, as demonstrated by architectural elevations or renderings that shall be submitted with the petition.
- d. Buildings, parking areas and outdoor activity areas will be at least 50 feet from adjoining residentially-zoned properties other than public road right-of-ways.
- e. At least 20% of the area within the building envelope shall not be used for buildings, parking areas or driveways. The building envelope is formed by the required structure and use setbacks of the Zoning Regulations for the zoning district and the Subdivision and Land Development Regulations.

[[39]]38. Pet Day Care Facilities

A Conditional Use may be granted in the RC, RR or R-20 Districts for pet day care facilities, provided that:

- a. The minimum lot size shall be one acre.
- b. All day care business functions must be completely enclosed within a building. Indoor noise must not be perceptible at lot lines.
- c. The Hearing Authority may set hours of operation and limitations on the number and type of pets cared for.
- d. The facility shall not be located on a shared driveway.
- e. Parking areas shall be located and landscaped to minimize visibility from roads and adjacent residential properties.
- f. There shall be no overnight boarding of pets.
- g. Outdoor areas for walking or exercising pets may be permitted provided that pets shall not be left unattended in such an area. The Hearing Authority may set a limit on the number of pets permitted simultaneously in the outdoor area. The perimeter of this outdoor area shall be fenced and landscaped to ensure that animals are confined to the property and to minimize the visibility of the enclosure. All fencing shall comply with all requirements for fences as noted elsewhere in Section 128.0. The petitioner must clearly delineate the outdoor area on the Conditional Use plan.

1 h. Disposal of wastes must be such that odors or other emissions are not perceptible at lot
2 lines.

3 i. On an ALPP purchased or dedicated easement property, the following additional criteria
4 are required:

5 (1) The use shall not interfere with farming operations or limit future farming production.

6 (2) Any new building or building addition associated with the use, including any outdoor
7 storage and parking area shall count towards the cumulative use cap of 2% of the
8 easement.

9
10 **[[40]]39. Produce Stands**

11 A Conditional Use may be granted in the R-20 District for a produce stand, provided that:

12 a. The use may not be located on a lot less than one acre nor larger than two acres.

13 b. The produce stand shall be the sole use on the property.

14 c. The use may include the retail sale of crops, produce, flowers, plants and seasonal displays,
15 baked goods, dairy products and bottled/package food products.

16 d. The site has frontage on and direct access to a minor arterial road as designated in the
17 General Plan.

18
19 **[[41]]40. Quarries—or Rock, Stone, Sand Excavations**

20 A Conditional Use may be granted in the RC District, on properties that are not ALPP purchased
21 or dedicated easement properties, and in the M-1 or M-2 Districts for quarries and similar
22 excavations for sand, rock, stone and minerals, provided that:

23 a. In the M-1 District, accessory processing uses such as concrete manufacture may be
24 permitted if approved by the Hearing Authority.

25 b. The approved portion of the tract shall have a peripheral buffer area 100 feet in width which
26 shall be retained in its natural topographic condition, undisturbed by excavation or mining
27 or other associated uses. The setback area shall not be used for any purpose except planting,
28 fencing and roads for ingress and egress to the tract.

29 c. The height of structures and any man-made landforms may be limited by the Hearing
30 Authority.

- 1 d. Equipment for washing, sorting, crushing, grinding, loading, unloading, spreading,
2 weighing, screening, sizing or similar operations shall not be located within three hundred
3 feet of a property line, except that the Hearing Authority may permit sedimentation ponds
4 to be closer than 300 feet, but not closer than 100 feet to such property line if the applicant
5 demonstrates the topographic necessity of such a location and that sufficient safeguards
6 will be provided for the protection of neighboring residents and uses.
- 7 e. All operations shall be conducted in a safe manner with respect to the likelihood of hazard
8 to persons, physical or environmental damage to lands and improvements and damage to
9 any street, bridge or public right-of-way as a result of the development or operation of the
10 quarry.
- 11 f. Existing trees and ground cover along public road frontage and lot lines shall be preserved,
12 maintained and supplemented by selective cutting, transplanting, and addition of new trees,
13 shrubs and ground cover.
- 14 g. Excavated areas shall be maintained thoroughly drained, except for draining and ponding
15 areas which are used for production.
- 16 h. All driveways serving the facility shall be treated or surfaced as necessary to control dust.
- 17 i. The Hearing Authority shall limit the permit to operate such quarry to a specific expiration
18 date.
- 19 j. Operation hours shall be restricted to between 7:00 a.m. and 6:00 p.m. No blasting shall be
20 permitted between the hours of 6:00 p.m. and 7:30 a.m. No operation shall be permitted on
21 Sundays except for repairs to equipment. Only sales and deliveries may be permitted on
22 Saturdays.
- 23 k. The Conditional Use plan submitted with the Conditional Use application shall show the
24 following:
- 25 (1) Setback area, including screening and fencing.
26 (2) Portion of tract, if any, actually being excavated, and proposed excavation areas;
27 (3) Existing and proposed structures and major mechanical equipment;
28 (4) Existing and proposed access roads;
29 (5) Water supply and sewage disposal;
30 (6) All necessary pollution control measures;
31 (7) Stockpile area;

1 (8) Points of access to the site and provisions to control unauthorized entry to the site along
2 the entire perimeter;

3 (9) Survey boundaries of the subject property and proposed operation based on the
4 Maryland State Plane Coordinate System.

5 (10) A road condition study to determine the adequacy of the structural elements serving
6 the site for truck traffic to be generated by the quarry.

7 1. Reclamation Plan

8 A reclamation plan at a scale of 1" = 200' shall be submitted at the time of the Conditional
9 Use application setting forth a plan for reclamation of the permit area. A reclamation
10 contour plan showing contour intervals of 2 feet shall be included, indicating the general
11 grades and slopes to which excavated or filled areas are to be graded. A description of the
12 methods and materials proposed for rehabilitation of topsoil shall be specified. The
13 reclamation schedule shall include specific information relating to regrading, drainage,
14 landscaping, erosion backfilling, removal of machinery and structures, and closing of
15 access roads. No reclamation plan shall be approved unless it provides for the following
16 minimum program.

17 (1) Regrading—All disturbed land shall be regraded as required by the Maryland
18 Department of Natural Resources. Whenever the site of an excavation for a quarry is
19 greater than 50% grade, the excavated area shall be fenced with a durable galvanized
20 fence six feet high, located not less than 20 feet from the edge of excavation. The
21 County shall have the right to enter and repair or maintain such fence whenever the
22 property owner shall fail to do so. The property owner shall be liable to the County for
23 the cost of the repairs or maintenance.

24 (2) Landscaping, Erosion, Backfilling—All piles of disturbed earth or material resulting
25 from the excavating or filling operation shall be graded to a smooth contour to control
26 erosion and to prevent ponding and undrained water pockets. The graded area shall be
27 covered with suitable soil to sustain growth, then vegetatively stabilized using a
28 perennial cover species as recommended by the County Soil Conservation District.

29 (3) Removal of Machinery and Structures—All machinery and structures shall be
30 completely removed and underlying excavations filled to grade, except structures or

1 machinery that are to be continued in operation for a use permitted under the zoning
2 classification.

3 (4) Access Roads—Upon the abandonment of excavation operations on any site or portion
4 thereof in the permit areas, all access roads shall be suitably barricaded to prevent the
5 passage of vehicles either into or out of the abandoned area, except such access as
6 needed for vehicles engaged in rehabilitation work, until the plan for rehabilitation has
7 been completed and other use necessitating access has been commenced on the
8 property.

9 (5) Adequate Collateral or Bonds—Detailed engineering studies shall be provided by the
10 petitioner setting forth the estimated cost of the accepted plan for rehabilitation. Such
11 studies shall be submitted for the approval and periodic review of the Hearing
12 Authority. A bond shall be provided or adequate collateral shall be kept in escrow,
13 drawing interest to the benefit of the petitioner, to cover the estimated cost of the
14 accepted plan for rehabilitation. Such bond or money shall only be released upon
15 completion of the rehabilitation program.

16 m. No excavation or processing operations shall be commenced on land in the permit area
17 until all persons having an interest of record in said land shall cause to be recorded among
18 the land records of the County:

19 (1) A description of the area included within the permit area,

20 (2) The application number and the date the permit was granted by the Hearing Authority,

21 (3) A statement indicating that use of the land will be in accordance with an approved Site
22 Development Plan and an approved rehabilitation plan, and

23 (4) A declaration binding their heirs and assigns to utilize the land in accordance with said
24 Site Development Plan and rehabilitation plan until excavation processing or filling
25 operations cease and rehabilitation of the land is completed.

26 n. The County and the applicant shall enter into an agreement providing that, should the
27 quarry have been operated in violation of any of the provisions or conditions of the
28 Conditional Use including failure to comply with an approved rehabilitation plan, in such
29 a way as to require corrective action, the applicant shall cause the corrective action to be
30 taken. The agreement shall further stipulate that, should the applicant fail to take the
31 necessary corrective action within 30 days of written notice from the County to do so, the

1 required bonds or collateral will be forfeited and the County may cause corrective actions
2 to be commenced. In addition, the applicant shall agree to pay the cost for corrective action
3 which exceed the bond or collateral amount.

- 4 o. In the RC District, the minimum lot size is 25 acres.

5
6 **[[42]]41. Religious Facilities, Structures and Land Used Primarily for Religious Activities**

7 A Conditional Use may be granted in the RC and RR Districts, on properties that are not ALPP
8 purchased or dedicated easement properties, and in the R-ED, R-20, R-12, R-SC, R-SA-8, R-H-
9 ED, R-A-15, R-APT, R-MH, or R-VH Districts for structures and land used primarily for religious
10 activities provided that:

- 11 a. The minimum lot size in the RC and RR Districts is three acres and the minimum lot size
12 in the other districts is one acre, however, existing religious facilities previously approved
13 as a Special Exception or a Conditional Use are exempted from this requirement. Lot
14 coverage shall not exceed 25% of the lot area.
- 15 b. Structures may be erected to a greater height than permitted in the district in which it is
16 located, provided that the front, side and rear setbacks shall be increased one foot for each
17 foot by which such structure exceeds the height limitation.
- 18 c. The access to the facility shall not be on a driveway or private road shared with other uses.
- 19 d. The Hearing Authority may approve parking facilities which are accessory to a religious
20 facility, and are located on a separate lot, but do not meet the location requirements of
21 Section 133.0.B.4.d of the parking regulations by being separated from the religious facility
22 by a public street, if the Hearing Authority finds that the accessory parking facility
23 complies with the following criteria:
- 24 (a) The accessory parking facility is not separated from the lot containing the principal use
25 by an arterial highway of any category.
- 26 (b) A pedestrian street crossing connecting the accessory parking facility lot to the
27 principal use lot is provided and is made clearly noticeable to drivers by means of both
28 pavement marking and signs
- 29 (c) The pedestrian street crossing is safe, based upon such factors as, but not limited to:
30 traffic volume at the times(s) of the use of the accessory parking facility; practical

1 traffic speeds; sight distance; length of the crossing; and adequate markings and
2 signage.

- 3 (d) The entire pedestrian pathway from the accessory parking facility to the principal
4 religious facility is a durable, paved, no-step path.

5
6 **[[43]]42. Residential/Commercial Buildings**

- 7 a. A Conditional Use may be granted in the POR, B-1 and B-2 Districts in the planned public
8 water and sewer service area for residential/commercial buildings, provided that:

- 9 (1) The site is at least 5 acres but not more than 15 acres.
10 (2) Two square feet of residential space is permitted for each square foot of commercial
11 space and must be located within the same structure.
12 (3) All residential units shall be located above the first floor.
13 (4) Appropriate landscape buffering from adjacent land-uses shall be provided.
14 (5) Proposed residential/commercial buildings shall be compatible with on- and off-site
15 commercial development.

- 16 b. A Conditional Use may be granted in the B-1 and B-2 Districts located outside of the
17 planned public water and sewer service area for residential/commercial buildings,
18 provided that:

- 19 (1) The site is at least 1 acre but not more than 5 acres.
20 (2) Two square feet of residential space is permitted for each square foot of commercial
21 space and must be located within the same structure.
22 (3) All residential units shall be located above the first floor.
23 (4) Appropriate landscape buffering from adjacent land-uses shall be provided.
24 (5) Proposed residential/commercial buildings shall be compatible with on- and off-site
25 commercial development.

26
27 **[[44]]43. Retreat Center**

28 A Conditional Use may be granted in the PC and RR Districts, on properties that are not on ALPP
29 purchased or dedicated easement properties, and in the R-ED or R-20 Districts for a retreat center
30 provided that:

- 31 a. The minimum lot area shall be six acres.

- b. A buffer area at least 50 feet wide shall be maintained between structures or uses and adjacent residentially-zoned land other than a public road right-of-way.
- c. Adequate landscaping or other acceptable forms of buffering shall be provided to screen all parking and, if appropriate, structures and outdoor activity areas from residential properties.
- d. No retail or wholesale sales of any kind shall be permitted.
- e. All parking shall be located on site.
- f. The types of principal and accessory uses and the level of activity on the site are specified including but not limited to the frequency and length of meetings or events, the maximum number of day and overnight guests, and uses of outdoor areas.
- g. The design of new structures or additions to existing structures will be compatible in scale and character with residential development in the vicinity, as demonstrated by architectural elevations or renderings submitted with the petition.
- h. The access to the facility shall not be on a driveway or private road shared with other uses.

[[45]]44. Rubble Landfill and Land Clearing Debris Landfill Facilities

A Conditional Use may be granted in the M-1 District (or in any other district with respect to land which has been previously mined or excavated pursuant to the grant of a Conditional Use specifically for quarrying or excavations for sand, rock, stone and minerals uses) for a land clearing debris landfill facility or rubble landfill facility, provided that:

- a. Only non-hazardous material shall be received for disposal on the site.
- b. The waste materials which may be accepted at the rubble fill facility, unless specifically prohibited by the Hearing Authority, are:
 - (1) Land Clearing Debris, as defined in these Regulations.
 - (2) Demolition Debris—The types of demolition debris that may be accepted for disposal are as follows:
 - a) Acceptable demolition debris associated with the razing of buildings, roads, bridges, and other structures includes structural steel, concrete, bricks (excluding refractory type), lumber, plaster and plasterboard, insulation material, cement shingles and roofing material, floor and wall tile, asphalt, pipes and wires, and other

1 items physically attached to the structure, including appliances if they have been or
2 will be compacted to their smallest practical volume.

- 3 b) Unacceptable demolition debris includes industrial waste or byproducts, any waste
4 materials contained within the structure or on the grounds of the structure being
5 demolished that are not physically part of the structure, or which are comprised of
6 or contain materials that pose an undue risk to public health or the environment.

7 (3) Construction Debris—The types of construction debris that may be accepted for
8 disposal are as follows:

- 9 a) Acceptable construction debris is structural building materials including cement,
10 concrete, bricks (excluding refractory type), lumber, plaster and plasterboard,
11 insulation, shingles, floor, wall and ceiling tile, pipes, glass, wires, carpet,
12 wallpaper, roofing, felt, or other structural fabrics. Paper or cardboard packaging,
13 spacing, or building materials, provided that they do not exceed 10% by volume of
14 the waste, may be accepted at the rubble landfill. Paint containers, caulk containers,
15 or glaze containers, provided that they are empty, and any residual material which
16 is dried before acceptance at the rubble fill, and further provided that this waste
17 category does not exceed 1% by volume of the waste accepted at the rubble fill.

- 18 b) Unacceptable construction debris includes commercial, domestic, or industrial
19 wastes or by-products, paint, tar or tar containers, caulking compounds, glazing
20 compounds, paint thinner or other solvents or their containers, creosote or other
21 preservatives or their containers, tile, paneling, or carpet cement or other adhesives,
22 and other solid waste which may contain an unacceptable waste or substance as
23 may be determined by the approving authority to be unacceptable.

24 (4) Tires, asbestos waste and appliances may be accepted for disposal in accordance with
25 the requirements of the State of Maryland Department of the Environment for proper
26 disposal of these materials.

- 27 c. The waste materials which may be accepted at the land clearing debris fill facility are
28 restricted to land clearing debris as defined in these Regulations.
29 d. The Hearing Authority may further limit the waste materials which may be accepted at or
30 disposed of in a land clearing debris landfill facility or a rubble landfill facility upon a
31 finding of a specific adverse effect associated with the acceptance or disposal of such waste

1 materials on the proposed site. The Hearing Authority shall approve the method by which
2 unacceptable materials, which are delivered to the site, will be segregated and handled for
3 final removal and disposal.

- 4 e. In addition to all other required setbacks, the following use setbacks shall apply, except for
5 landfill facilities on permitted quarry sites, in which case the Hearing Authority shall
6 establish setback requirements on a case-by-case basis:

7 (1) From an existing residence on a different lot500 feet

8 (2) From adjacent residentially zoned lots300 feet

9 (3) From public street and utility rights-of-way100 feet

10 (4) From existing streams and wetlands100 feet

11 The approved portion of the tract shall have a surrounding landscaped buffer at least 100
12 feet wide which shall be retained in its existing topographic condition and undisturbed by
13 excavation or fill. The buffer area shall not be used for any purpose except planting, fencing
14 and roads for ingress and egress to the tract. In the event that the provision of a 100-foot
15 buffer is not feasible, the applicant shall provide for alternative means of buffering in
16 concert with a Site Development Plan. Within the approved portion of the tract, all land
17 within 50 feet of a stream or wetland shall be retained in its existing topographic condition
18 and undisturbed by excavation or fill.

- 19 f. Existing trees and ground cover along public road frontage and lot lines shall be preserved,
20 maintained and supplemented by selective cutting, transplanting, and addition of new trees,
21 shrubs and ground cover.

- 22 g. The height of structures and any man-made land forms may be limited by the Hearing
23 Authority.

- 24 h. Equipment for washing, sorting, crushing, grinding, loading, unloading, spreading,
25 weighing, screening, sizing or other operations associated with a land clearing debris
26 landfill facility or a rubble landfill facility shall not be located within one hundred feet of
27 a property line. Sedimentation ponds shall not normally be located closer than 300 feet
28 from a property line. However, the Hearing Authority may permit sedimentation ponds to
29 be closer than 300 feet, but not closer than 100 feet from a property line, if the applicant
30 demonstrates the topographic necessity of such a location and that sufficient safeguards
31 will be provided for the protection of neighboring residents and uses.

- 1 i. All operations shall be conducted in a safe and environmentally sound manner with respect
2 to the likelihood of hazard to persons or damage to lands, natural resources, improvements,
3 streets, bridges, or public rights-of-way as a result of the development or operation of the
4 facility.
- 5 j. Any area under excavation shall be maintained in a thoroughly drained condition. Fill areas
6 shall be maintained at all times by burial of material received for disposal.
- 7 k. Operation hours for excavation, processing and filling operations shall be restricted to
8 between 7:00 a.m. and 6:00 p.m. No operation shall be permitted on Sundays except
9 emergency repairs to equipment and the fill site.
- 10 l. The Conditional Use plan submitted with the Conditional Use application shall show the
11 following:
- 12 (1) Setback and buffer area, including type of screening and fencing;
13 (2) Portion of tract, if any, actually being excavated, and proposed fill areas;
14 (3) Portion of tract, separate from fill areas, to be used for recycling operations including
15 areas for unloading, storage, processing, and loading.
16 (4) Existing and proposed structures and major mechanical equipment;
17 (5) Existing and proposed access roads;
18 (6) Water supply and sewage disposal including any liquid waste generated by processing
19 and filling operations;
20 (7) Stockpile area;
21 (8) Other uses and their extent on the property;
22 (9) Existing or proposed points of access to the site and provisions to control unauthorized
23 entry to the site along the entire perimeter;
24 (10) Areas to be used for rubble and/or land clearing debris disposal shall be identified
25 either as non-buildable areas or as future building sites;
26 (11) Survey boundaries of the subject property and proposed operation based on the
27 Maryland State Plane Coordinate System;
28 (12) A road condition study to determine the adequacy of the structural elements serving
29 the site for truck traffic to be generated by the landfill;
30 (13) A noise, litter and dust control plan;
31 (14) Storm water management facilities for quantity and quality control;

1 (15) The length of time the facility is expected to be in operation.

2 m. Rehabilitation Plan

3 A rehabilitation plan at a scale of 1" = 200' shall be submitted with the Conditional Use
4 application for all areas to be filled with land clearing debris or rubble or used for
5 processing and recycling operations. A rehabilitation contour plan showing contour
6 intervals of two feet shall be included, indicating the general grades and slopes to which
7 excavated or filled areas are to be graded. A description of the methods and materials
8 proposed for rehabilitation to top cover shall be specified. No rehabilitation plan shall be
9 approved unless it provides for the following minimum rehabilitation program:

10 (1) Regrading—All disturbed land shall be regraded so that no slope exceeds a maximum
11 of 50% grade.

12 (2) Landscaping, Erosion, Backfilling—All piles of disturbed earth or material resulting
13 from the excavating or filling operation shall be graded to a smooth contour to control
14 erosion and to prevent ponding and undrained water pockets. The disturbed area shall
15 be graded, covered with suitable soil to sustain growth, and then vegetatively stabilized
16 using a perennial cover species as recommended by the County Soil Conservation
17 District.

18 (3) Removal of Machinery and Structures—All machinery and structures shall be
19 completely removed and underlying excavations filled to grade, except structures or
20 machinery that are to be continued in operation for a use permitted under the zoning
21 classification.

22 (4) Access Roads—Upon the abandonment of filling operations on any site or portion
23 thereof in the area covered by a Conditional Use approved under this section, all access
24 roads shall be suitably barricaded to prevent the passage of vehicles either into or out
25 of the abandoned area, except such access as needed for vehicles engaged in
26 rehabilitation work, until the plan for rehabilitation has been completed and other use
27 necessitating access has been commenced on the property.

28
29 **[[46]]45. Sawmills, Bulk Firewood Processing, Mulch Manufacture, or Soil Processing**

30 A Conditional Use may be granted in the RC or RR Districts for sawmills, bulk firewood
31 processing, mulch manufacture, or soil processing provided that:

- a. Buildings and structures used for processing activities, equipment and outdoor uses associated with the operation shall be at least 500 feet from existing residences on different lots and at least 300 feet from property lines. Buildings or structures which are principally used for storage and which are not used for processing activities shall be at least 100 feet from property lines.
- b. All required State and Federal permits have been obtained. The hearing authority, as a condition of approval, may impose requirements which are more stringent than the requirements of the State and Federal permits.
- c. Parking, storage areas and equipment shall be screened from adjoining properties and public roads by landscaping or other appropriate means.
- d. Hours of operation shall be established by the Hearing Authority.
- e. Retail sales of materials produced on-site may be permitted if specifically approved by the Hearing Authority.
- f. The minimum lot size is 10 acres.
- g. The vehicular access to the use shall be from an arterial OR collector highway and not from a local road unless authorized by the Hearing Examiner.
- h. On an Agricultural Land Preservation easement property, sawmills and bulk firewood processing are permitted with the following required additional criteria:
 - (1) The use shall not interfere with farming operations or limit future farming production.
 - (2) Any new building or building addition associated with the use, including any outdoor storage and parking area shall count towards the cumulative use cap of the easement.

[[47]]46. School Buses, Commercial Service

A Conditional Use may be granted in the RC, RR, R-20 or R-12 Districts for commercial school bus service businesses, as defined in these Regulations, provided that:

- a. All vehicles parked or stored outside of a building shall be screened from adjoining properties;
- b. No vehicles shall be parked or stored within the structure or use setback requirements of the district in which they are located;
- c. Any parking spaces occupied by such vehicles shall be provided in addition to all other required parking spaces;

- 1 d. Only minor repairs to such vehicles shall be permitted and such minor repairs may only be
2 done in a building. In no case shall body work, engine rebuilding, engine reconditioning or
3 collision services be permitted;
- 4 e. The storage or parking of the number of vehicles registered as school buses on lots or
5 parcels in the RC, RR, R-20 and R-12 Districts on the effective date of this amendment
6 (Zoning Board Case 715, effective July 25, 1978) shall be deemed valid nonconforming
7 uses in those districts.
- 8 f. The minimum lot size in the RC and RR Districts for a new commercial school bus service
9 business is three acres. The minimum lot size in the R-20 and R-12 Districts for a new
10 commercial school bus service business is one acre. An existing commercial school bus
11 service business is not required to comply with this criteria.
- 12 g. For a new commercial school bus service business, the area used for vehicle parking shall
13 be at least 200 feet from an existing dwelling on a different lot. An existing commercial
14 school bus service business is not required to comply with this criteria.
- 15 h. On an ALPP purchased or dedicated easement property, the following additional criteria
16 are required:
- 17 (1) The use shall not interfere with farming operations or limit future farming production.
18 (2) The use shall operate within a one-half acre area specified on the Conditional Use plan.
19 (3) Any parking areas shall count towards the cumulative use cap of 2% of the easement.

20
21 **[[48]]47. Schools, Colleges, Universities—Private (Academic)**

22 A Conditional Use may be granted in the RC and RR Districts, on properties that are not ALPP
23 purchased or dedicated easement properties, and in the R-20, R-ED, R-12, R-SC, R-SA-8, R-H-
24 ED, R-A-15, R-APT, R-MH, or R-VH Districts for private academic schools, colleges and
25 universities, (not including nursery schools) provided that:

- 26 a. The maximum density permitted is 60 pupils per acre for lots less than three acres, and 100
27 pupils per acre for lots three acres or greater.
- 28 b. In addition to meeting the minimum area requirements above, schools with residence
29 accommodations shall provide an additional 500 square feet of lot area per site resident.
30 Residents shall include students, staff members, caretakers and their families who reside
31 on the site.

- c. A private school may be erected to a greater height than permitted in the respective district, provided that no structure is more than three stories in height and the front, side and rear setbacks shall be increased two feet for each foot by which such structure exceeds the height limitation.
- d. Sufficient off-street school bus loading areas shall be provided if bus service is provided for students.
- e. Outdoor uses will be located and designed to shield residential property from noise or nuisance. Play areas, athletic fields and similar uses shall be buffered from residential properties by fencing, landscaping, adequate distance or other appropriate means.
- f. Buildings, parking areas and outdoor activity areas will be at least 50 feet from adjoining residentially-zoned properties other than a public road right-of-way.
- g. At least 20% of the area within the building envelope will be green space, not used for buildings, parking area or driveways. The building envelope is formed by the required structure setbacks from property lines and public street rights-of-way.
- h. The site has frontage on and direct access to a collector or arterial road designated in the General Plan, except that expansions of a Conditional Use that was approved prior to July 12, 2001 are permitted.
- i. The minimum lot size in the RC and RR Districts for a new private academic facility is three acres. The minimum lot size in the R-20, R-ED, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, R-APT, R-MH, or R-VH Districts for a new private academic facility is one acre. An existing private academic facility is not required to comply with this criteria.

[[49]]48. Shooting Ranges—Outdoor Rifle, Pistol, Skeet and Trap

A Conditional Use may be granted in the RC District, on properties that are not ALPP purchased or dedicated easement properties for shooting ranges, provided that:

- a. Discharging of firearms shall not be permitted within 500 feet of any property line.
- b. Such range is constructed in such a manner as to eliminate all danger to persons or property from flying projectiles. The area between the firing point and target shall be baffled, fenced or otherwise shielded so that fired projectiles cannot escape the range area. Safety design should be in accordance with accepted standards and practices.

- c. A minimum lot area of 75 acres is provided for all rifle and pistol ranges. A minimum of 25 acres shall be provided for all skeet and trap shooting ranges.
- d. The manner and times of operation, the design of the range and the topographic features of the site shall be such that noise and activity from the use will not disturb neighboring residential uses.
- e. The applicant shall demonstrate that the use complies with the requirements of the Department of Inspections, Licenses and Permits for such uses.
- f. The Hearing Authority shall set the days and hours of operation.

[[50]]49. Small Wind Energy Systems, Building Mounted

A Conditional Use may be granted in the R-ED, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, and R-APT Districts for building mounted small wind energy systems as defined in these Regulations, provided:

- a. The systems shall be primarily intended to reduce the on-site consumption of utility power.
- b. The systems are permitted only on the principal structure.
- c. The systems shall be located on the roof or sides of a structure that are at least 25 feet in height.
- d. The systems shall comply with the principal building setbacks.
- e. The height of the system shall not extend more than 15 feet above the ridge of the highest roof section.
- f. In the R-ED and R-SC Districts, systems are only permitted on single-family attached dwellings.
- g. In the R-12 District, systems are only permitted on semi-detached dwellings.
- h. Only one system per lot is permitted on properties less than 3 acres in area.
- i. Only one system is permitted per building side on properties 3 acres or greater in area.
- j. The systems shall not exceed 60 DBA, as measured at all lot lines. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.
- k. All systems shall be gray or a similar color that minimizes visibility.
- l. No exterior lighting is permitted.
- m. The systems shall comply with all applicable local, state, and federal laws and provisions.

- n. Meteorological towers, solely for the measurement of wind, temporary or otherwise, are not permitted
- o. A system that is no longer used shall be removed from the site within one year of the date that the use ceases.

[[51]]50. Small Wind Energy Systems, Freestanding Tower

A Conditional Use may be granted in the R-ED, R-12, R-SC, R-SA-8, R-H-ED, R-A-15, and R-APT Districts for building mounted small wind energy systems as defined in these Regulations, provided:

- a. The systems shall be primarily intended to reduce the on-site consumption of utility power.
- b. Maximum height for tower mounted systems, including blades, shall not exceed 60 feet from grade. However, on farms greater than 25 acres the maximum height for tower mounted systems, including blades, shall not exceed 120 feet from grade.
- c. The minimum lot size shall be at least 2 acres, except in the R-ED District where the minimum lot size shall be 5 acres.
- d. The system shall not be located within the front yard between the principal structure and the front property line.
- e. The minimum setback for a system shall equal its total height, plus 10% from any property line.
- f. The systems shall not exceed 60 DBA, as measured at all lot lines. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.
- g. Temporary meteorological towers, solely for the measurement of wind, are permitted for an initial period not to exceed 90 days, provided they meet the height and setback requirements of this section and achieve a Temporary Use permit in accordance with Section 132.0, except that there shall be no further extensions of, or new petition for, a Temporary Use permit which has already been extended to the one year limit.
- h. The blade of any wind turbine shall, at its lowest point, have a ground clearance of no less than 15 feet, as measured at the lowest point of the arc of the blades.
- i. No other equipment unrelated to the operation of the system shall be attached to the structure.

- j. No exterior lighting is permitted, unless required by the Federal Aviation Administration.
- k. The system shall comply with all applicable local, state, and federal laws and provisions.
- l. A system that is no longer used shall be removed from the site within one year of the date that use ceases.
- m. On an ALPP purchased or dedicated easement property, the following additional criteria are required.
 - (1) The use shall not interfere with farming operations or limit future farming production.
 - (2) Any new building addition associated with the use, including any outdoor storage and parking area shall count towards the cumulative use cap of 2% of the easement.

[[52]]51. Solar Collector Facility, Commercial Ground-Mount

A Conditional Use may be granted in the RC, RR District for a commercial ground-mount solar collector facility, provided that:

- a. The parcel on which the commercial ground-mount solar collector facility is proposed must be a minimum of 10 acres in size. The maximum size of a solar facility shall be 75 acres notwithstanding the size of the parcel. However, on parcels which are in the Agricultural Land Preservation Program, the maximum size shall be 16 acres or 20% of the property, whichever is less.

However, a ground-mount solar collector facility on an Agricultural Preservation Parcel can be increased to a maximum of 34% of the parcel by the Hearing Authority if the Hearing Authority finds that the use shall not interfere with farming operations or limit future farming production. The Hearing Authority shall consider the following:

- (1) A. At least 60% of the acreage outside of the ground-mount solar collector facility area is viable for a farm operation, inclusive of farm buildings needed for the farm operation; and

- B. The remaining soils capability are more than 50% USDA Classes I—III and more than 66% USDA Classes I—IV or;

- (2) The additional acreage above the allowable 20% for the CSF is unsuitable for farming.

- b. All structures and uses must meet a minimum 50 foot setback from all property lines.
- c. No structure or use may be more than 20 feet in height.

- 1 d. A 'Type D' landscaping buffer must be provided around the perimeter of the proposed
2 commercial ground-mount solar collector facility unless the Hearing Authority determines
3 that an alternative buffer is sufficient.
- 4 e. All security fencing must be located between the landscaping buffer and the commercial
5 ground-mount solar collector facility.
- 6 f. The systems shall comply with all applicable local, state, and federal laws and provisions.
- 7 g. A commercial ground-mount solar collector facility that is no longer used shall be removed
8 from the site within 6 months of the date that the use ceases. The Property Owner shall
9 secure this obligation by maintaining a bond, escrow, or other form of security, in an
10 amount equal to the estimated future cost of removal, that is acceptable to the Director of
11 Finance.
- 12 h. The premises shall be maintained at all times in a clean and orderly condition, including
13 the care or replacement of plant materials required in the landscaping plan. The
14 responsibility for compliance with this provision shall be with all parties having a lease or
15 ownership interest in the commercial ground-mount solar collector facility. The applicant
16 shall provide the Hearing Authority with details regarding maintenance and access for the
17 site.
- 18 i. The applicant shall agree to register all solar collectors with the Department of Fire and
19 Rescue Services. The registration shall include a map of the solar facility noting the
20 location of the solar collectors and the panel disconnect.
- 21 j. Tree removal shall be minimized and reforestation shall be done in accordance with Section
22 16.1026 of the Howard County Code.
- 23 k. Scenic Views.
- 24 (1) The applicant shall demonstrate that the solar facility does not harm the scenic
25 characteristics of the view of or from:
- 26 A. A public park;
- 27 B. A national or state designated scenic byway;
- 28 C. A road listed in the Scenic Roads Inventory adopted under Section 16.1403 of the
29 Howard County Code; or
- 30 D. A historic structure as defined in Section 16.601 of the Howard County Code.

1 (2) Visual Impact Analysis Required to Demonstrate Minimal Impact to or from
2 Scenic Views

3 A. The Conditional Use petition shall include a visual impact analysis mapping all
4 viewshed impacts and any proposed mitigation. This analysis shall include mapped
5 visual impact assessments of all important or critical viewpoints or elevations from
6 which the solar facility can be seen from a fixed vantage point. For purposes of this
7 subsection, A viewshed is a topographically defined area including all critical
8 observation points from which the solar facility is viewed.

9 B. If the visual impact assessment as mapped particularly interferes with and
10 compromises critical observation points within the viewshed that warrant viewshed
11 protection, the petitioner shall mitigate the view through additional landscaping or
12 other forms of mitigation, including reconfiguration of the solar panels, or as may
13 be required by the Hearing Authority.

14 C. Fencing along road frontage or the perimeters of the commercial ground-mount
15 solar collector facility site where the fencing would be visible shall be constructed
16 of a material and design consistent with the character of the roadway or area.

17 D. The petition shall include a landscape plan.

18 1. The Howard County Agricultural Preservation Board shall review any Conditional Use
19 petition which proposes to build a new commercial ground-mount solar collector facility
20 on parcels which are in the Agricultural Land Preservation Program prior to approval by
21 the Hearing Authority, using a two-step review process, in the following manner:

22 (1) Prior to scheduling and convening a presubmission community meeting pursuant to
23 Howard County Zoning Regulations Section 131.0.f.1, the petitioner shall submit a
24 proposed concept plan for a commercial ground-mount solar collector facility on a
25 parcel or parcels in the Agricultural Land Preservation Program to the Howard County
26 Agricultural Preservation Board for advisory review as to whether the siting of the
27 commercial ground-mount solar collector facility on the parcel or parcels supports the
28 primary agricultural purpose of the easement property or is an ancillary business which
29 supports the economic viability of the farm.

30 A. Preliminary review: The Agricultural Preservation Board shall conduct a
31 preliminary review of a concept plan to review the placement of the proposed

1 facility and the remaining soil capability. The materials submitted for the
2 preliminary review shall include, at a minimum, a letter signed by the property
3 owner requesting the commercial ground-mount solar collector facility, a concept
4 plan depicting proposed locations for the facility and a soil classification analysis,
5 consistent with the provisions of the Agricultural Preservation Board's commercial
6 Solar Facilities Policy. The Concept Plan should show at least two potential
7 placements of the CSF on the property to allow the APB an opportunity to advise
8 on the best placement of the solar facility to minimize negative impacts on the
9 farming operation.

10 B. Final Review: The materials submitted for final review shall include, at a minimum,
11 a copy of the Agricultural Land Preservation Program easement, a copy of the
12 Howard County Soil Conservation and Water Quality Plan, and a copy of the
13 proposed final concept plan.

14 (2) The Board's advisory review shall be in writing.

15 (3) The petitioner shall make the Board's advisory review available at the presubmission
16 community meeting.

17 (4) The Department of Planning and Zoning's Technical Staff Report on the petition shall
18 include an evaluation of and a recommendation on the Board's advisory review of the
19 petition and shall include as attachments the Board's advisory review and a copy of the
20 Agricultural Preservation Easement.

21 m. Subject to Section 106 of these regulations, the property on which an approved commercial
22 ground-mount solar collector facility is located is eligible to be a sending parcel provided
23 that one density right is retained for the conditional use until the commercial ground-mount
24 solar collector facility is removed.

25 n. For ground-mount solar collector facilities on agriculture preservation parcels, the area
26 used for the ground-mount solar collectors must also be used for pollinator or native grass
27 habitats, grazing for livestock such as sheep, crop production under or directly adjacent to
28 the installation such as edible landscape barriers or tree crops, or other agricultural or
29 ecologically enhancing alternative that the applicant proposes and the hearing authority
30 finds to be harmonious with the purposes of the Agricultural Land Preservation Program.

31 o. Regulations for Solar Collector Facility, Commercial Ground-Mount

1 A solar collector or combination of solar collectors shall be designed and located to avoid
2 glare or reflection onto adjacent properties and adjacent roadways and shall not interfere
3 with traffic or create a safety hazard. The petitioner or applicant shall provide to the
4 Department of Planning and Zoning a glare study or other certification or assurance
5 acceptable to the Department that the solar collectors are designed, manufactured, and will
6 be installed:

- 7 A. To eliminate glare;
- 8 B. To ensure that glare will not be reflected onto nearby buildings or roadways; or
- 9 C. With anti-reflective coatings or light-trapping technologies.

10
11 **[[53]]52. Spa, Country**

12 A Conditional Use may be granted in the RC and RR Districts, on properties that are not ALPP
13 purchased or dedicated easement properties, for a country spa provided that:

- 14 a. The facility shall principally have the purpose of providing health and wellness services to
15 individuals and groups. Documentation shall establish that the proposed facility generally
16 is "...devoted to overall well-being through a variety of professional services that encourage
17 the renewal of mind, body and spirit."
- 18 b. The minimum lot area shall be 20 acres.
- 19 c. A buffer area at least 50 feet wide shall be maintained between structures or uses and
20 adjacent residentially-zoned land other than a public road right-of-way.
- 21 d. Adequate landscaping or other acceptable forms of buffering shall be provided to screen
22 all parking and, if appropriate, structures and outdoor activity areas from residential
23 properties.
- 24 e. All parking shall be located on site.
- 25 f. The types of principal and accessory uses and the level of activity on the site are specified
26 including, but not limited to, the maximum number of day and overnight guests, and uses
27 of outdoor areas.
- 28 g. The design of new structures or additions to existing structures will be compatible in
29 character with the rural character in the vicinity, as demonstrated by architectural
30 elevations or renderings submitted with the petition.

- 1 h. The access to the facility shall not be on a driveway or private road shared with other off-
2 site residential uses.

3
4 **[[54. Two-family Dwellings and Accessory Apartments]]**

5 [[A Conditional Use may be granted for two-family dwellings or accessory apartments in the
6 following districts, provided that any new structures or additions will be designed to be compatible
7 in scale and character with the surrounding residential neighborhood. Compatibility of character
8 may be in architectural style, materials or details. Compatibility shall be demonstrated by
9 architectural elevations or renderings submitted with the petition.

- 10 a. Two-family dwellings: in the RC and RR Districts, on properties that are not ALPP
11 purchased or dedicated easement properties, and in the R-ED, R-20 or R-12 Districts,
12 provided that the two-family dwelling is on an individual lot, with only one two-family
13 dwelling permitted on one lot, and the lot is an existing recorded lot at the time of the
14 Conditional Use application. The minimum lot size shall be at least 16,000 square-feet for
15 two-family dwelling structures in the R-ED and R-12 Districts.

- 16 b. [[Accessory apartments: on lots of less than 12,000 square feet in the R-ED, R-20, R-12
17 and R-SC Districts. (On lots of 12,000 square feet or larger, this is a permitted use in these
18 districts).]]

19
20 **[[55]]53.Used Merchandise, Retail Sale by Non-Profit Organizations**

21 A Conditional Use may be granted in the M-1 and M-2 Districts for the collection, repair,
22 refurbishment, retail sale and distribution of used and/or donated merchandise, provided that:

- 23 a. The facility shall be operated by a non-profit, tax exempt organization;
24 b. Sales shall be limited to previously-used and/or donated clothing, furniture, household
25 furnishings, small appliances, books or similar items;
26 c. Outdoor drop-off and collection areas shall be screened from surrounding properties and
27 roads by landscaping or other appropriate means; and
28 d. All sales and storage areas shall be located inside a building.

29
30 **[[56]]54.Utility Uses, Public**

1 A Conditional Use may be granted in the RC, RR, R-ED, R-20 R-12, R-SC, R-SA-8, R-H-ED, R-
2 A-15, R-APT, R-MH, R-SI, I, R-VH, HO, HC, POR, CCT, B-1, B-2, SC, BR, PEC, PGCC, CE,
3 TOD, CAC and TNC Districts for the following public utility uses, subject to certain conditions:

4 a. Permitted Uses:

- 5 (1) Utility substations.
6 (2) Above ground pipelines.
7 (3) Pumping stations and compression stations.
8 (4) Telecommunication equipment facilities.

9 b. Special Conditions:

- 10 (1) The proposed location, design and method of operation will not have a detrimental
11 effect on the privacy and quiet of the neighborhood and the safety of its inhabitants.
12 (2) The design of proposed buildings and the landscaping treatment of the site will be in
13 harmony with the area.
14 (3) The Hearing Authority may prescribe appropriate conditions and safeguards to
15 minimize adverse effects on the character of the surrounding area, including
16 requirements for soundproofing, for the construction of fences, barriers or other safety
17 devices, for surfacing of access driveways, for shielding of lighting, and/or for
18 landscaping or screening.
19 (4) When approving a public utility use, in its discretion, the Hearing Authority may
20 authorize future changes not requiring further Hearing Authority approval. Such
21 changes shall be limited to the addition, relocation, or modification of foundations or
22 equipment, or additions to existing buildings, within a fence line approved by the
23 Hearing Authority.
24 (5) When approving a public utility use, the Hearing Authority may approve an accessory
25 commercial communications tower to serve that use.

26 c. For a new public utility use, the use would be located on property which is not an ALPP
27 purchased or dedicated easement property. An existing public utility is not required to comply
28 with this criteria.

29
30 **[[57]]55. Farm Alcohol Producer**

1 A Conditional Use may be granted for a Farm Alcohol Producer in the RC and RR Districts,
2 provided that it complies with the following criteria:

- 3 a. The use is located on a parcel of at least 25 acres. The use is permitted on any such parcel,
4 including parcels with Agricultural Land Preservation Easements and preservation parcels.
- 5 b. The lot or parcel upon which the Farm Alcohol Producer is located shall have frontage
6 on and direct access to a road classified as an arterial or collector public road. Unless the
7 Hearing Authority approves access to a local road as provided in Section 131.0.N.56.b, the
8 sole access to and from the site shall be from the arterial or collector public road.
- 9 c. The Hearing Authority may approve access to a local road upon findings that access to an
10 arterial or collector public road right-of-way is not feasible, the local road is not internal to
11 a residential cluster subdivision unless the residential cluster subdivision was originally
12 designed, constructed, and marketed as a Farm Alcohol Producer community organized
13 around a Farm Alcohol Producer parcel, the access to the local road is safe based on road
14 conditions and accident history, and that the use of the local road for access to the Farm
15 Alcohol Producer will not unduly conflict with other uses that access the local road.
- 16 d. The driveway providing access to the proposed site provides adequate site distance and has
17 the capacity to accommodate expected traffic. The driveway access to the site shall not be
18 shared with other properties; however the Hearing Authority may waive this criteria if the
19 petitioner provides a use-in-common easement signed by the owners of all properties that
20 have a legal right to share the driveway confirming they do not object to the use of the
21 driveway for the use. The easement shall (i) State that the agreement runs with the land and
22 binds all future owners and (ii) Be recorded in the land records of Howard County. If the
23 site has direct access to and frontage on a local road, the petitioner shall demonstrate that
24 the use will not adversely impact use of the local road by demonstrating adequate site
25 distance and capacity to manage the anticipated volume of road use.
- 26 e. All Farm Alcohol Producer related structures and uses excluding cultivation areas shall
27 be at least 75 feet from a public road right-of-way and 150 feet from all other lot lines. The
28 Hearing Authority may reduce the setback of 150 feet from the lot lines, but only to a
29 minimum of 75 feet, if:

- 1 (1) The adjoining land is committed to an agricultural or environmental preservation
2 easement or a long term institutional or open space use that provides an equivalent or
3 better buffer; or
- 4 (2) The petition includes detailed plans for screening. The Hearing Authority may require
5 appropriate screening of adjoining parcels, which may include a solid fence, wall,
6 landscaping, or a combination, that presents an attractive and effective buffer.
- 7 f. Planting of at least two acres of grapes, an ingredient used in the brewing of malt-based
8 or grain-based beverages, or other fruit on the property shall be initiated upon approval
9 and successfully established within two years of approval.
- 10 g. The Farm Alcohol Producer shall be consistent with and support the farm and its
11 production, shall not interfere with the implementation of soil conservation and water
12 quality best management practices, and shall not impact floodplains, wetlands, stream
13 buffers, steep slopes or other environmental features on the Farm Alcohol Producer
14 property.
- 15 h. The Farm Alcohol Producer shall be compatible with the rural character of the farm and
16 the surrounding area.
- 17 i. The Farm Alcohol Producer visitor hours shall be restricted to between 10:00 a.m. and
18 10:00 p.m. daily. The Hearing Authority may reduce the hours for visitors, but shall not
19 increase them. The hours for farm alcohol beverage processing and production operations
20 are not limited.
- 21 j. The Farm Alcohol Producer shall be limited to two categories of attendee events; Everyday
22 Events and Special Events, each with specific limitations as follows:
- 23 (1) An Everyday Event is one that may occur each day of operation within a calendar year,
24 or as may be further limited by the Hearing Authority, and the number of attendees at
25 any single time shall be as specified by the Hearing Authority, but only up to a
26 maximum of 150 persons at any given time. The most common type of activity in an
27 everyday event is that of customers visiting a tasting room at the Farm Alcohol
28 Producer to sample or purchase the products produced therein, but may include other
29 low-intensity activities such as individual or small group tours, educational programs,
30 meetings, and social events; and

1 (2) A Special Event is an indoor and/or outdoor event that may be approved by the Hearing
2 Authority for up to fifteen (15) days within a calendar year. The maximum number of
3 attendees at any given time on a 25 acre farm shall be 150 persons, provided, however,
4 that the Hearing Authority may increase this maximum number of attendees in
5 accordance with Section 131.0.57.k if the property qualifies for such an increase.
6 For a Special Event that occurs on more than one calendar day, each calendar day is
7 counted as one event.

- 8 k. The standard maximum number of persons permitted to visit the property at any one time
9 for Special Events shall be 150 attendees. The Hearing Authority may increase the
10 maximum number of Special Event attendees by 10 people for every acre of land area
11 above the minimum 25 acre parcel size, based upon the gross acreage of the parcel, up to
12 a total maximum of 500 attendees.

13 If the Farm Alcohol Producer is located on a farm which is comprised of more than one
14 parcel under the same ownership (the "Overall Farm"), the Hearing Authority may base
15 this potential attendee increase on the gross acreage of the Overall Farm as long as there
16 is a condition to decrease the number of attendees if for any reason the land area of the
17 Overall Farm is reduced after the initial Conditional Use approval.

- 18 l. A Farm Alcohol Producer may produce, serve and sell food to complement tastings in
19 accordance with Article 2B of Maryland State Code.
- 20 m. Any accessory retail sales within the Farm Alcohol Producer, other than the beverages
21 produced at the Farm Alcohol Producer, are limited to items promoting the same Farm
22 Alcohol Producer, such as glassware, clothing, and wine-related items such as wine
23 openers. A Farm Alcohol Producer may sell plants and/or produce grown on-site.
- 24 n. If approved, the owner shall provide documentation to the Department of Planning and
25 Zoning proving compliance with Section 131.0.N.57.f. It is the responsibility of the Farm
26 Alcohol Producer owner to obtain any other required Federal, State and County approvals
27 required prior to operating the use.
- 28 o. Amplified noise is only allowed between the hours of 12:00 pm (noon) and 8:00 pm. For
29 amplified noise, the property owner must keep a noise log of recorded decibels to
30 show compliance with County's noise ordinance. Decibels must be recorded at the
31 property line and taken at least 3 separate times including the beginning, middle,

1 and end of amplified music event. The log must be furnished upon the request of
2 the Department of Planning and Zoning.

3
4 **[[58]]56. Wrecked Vehicle Storage (Temporary)**

5 A Conditional Use may be granted in the M-1 or M-2 Districts for the temporary storage of
6 wrecked vehicles, provided that:

- 7 a. Title to the vehicle does not transfer to the operators and owners of the site;
- 8 b. All such vehicles shall be screened from off-site view by walls (including building walls)
9 or fences six to eight feet high, of a design approved by the Hearing Authority. At the
10 Hearing Authority's discretion, landscape planting may be required between the wall and
11 the property line.
- 12 c. The storage area shall be treated as needed to control dust and minimize the runoff of oils
13 and greases;
- 14 d. Dismantling of wrecked vehicles shall not be permitted.

15
16 **[[59]]57. Yard Waste Composting Facility**

17 A Conditional Use may be granted in the RC, RR, or M-1 Districts for a yard waste composting
18 facility, provided that:

- 19 a. Only yard waste (leaves, grass, brush, yard trimmings) and natural wood waste (tree and
20 other vegetative refuse including tree stumps, limbs and root mats) shall be received for
21 composting on the site.
- 22 b. All required State and Federal permits have been obtained. The hearing Authority, as a
23 condition of approval, may impose requirements which are more stringent than the
24 requirements of the State and Federal permits.
- 25 c. In addition to the Bulk Regulations of the applicable zoning district, the following structure
26 and use setbacks shall apply:
 - 27 (1) From an existing residence on a different lot500 feet
 - 28 (2) From adjacent residentially-zoned lots300 feet
 - 29 (3) From public street rights-of-way100 feet
 - 30 (4) From existing streams and wetlands100 feet

- 1 d. A landscaped buffer area with a minimum width of 100 feet shall be maintained around
2 the perimeter of the site. The landscaped buffer shall be used only for planting, fencing,
3 and driveways for ingress and egress to the site.
- 4 e. The operation shall not result in odors which are detectable on surrounding properties.
- 5 f. The operation shall be conducted in a safe and environmentally sound manner, as
6 prescribed by law or regulations and with respect to the likelihood of hazard to persons or
7 damage to lands, natural resources, streets, bridges, and public rights-of-way.
- 8 g. The operation shall be conducted in a manner which will prevent insect and/or rodent
9 infestation.
- 10 h. The facility shall be maintained in a clean and sanitary condition. Areas where yard waste
11 or compost is processed, loaded, or unloaded shall be designed and constructed to drain
12 freely to prevent the accumulation of standing liquid.
- 13 i. All liquid, including leachate and storm water runoff, generated from the composting
14 facility shall be collected and treated prior to disposal, in accordance with applicable
15 regulations.
- 16 j. In the RC and RR Districts, the hours of operation shall be restricted to between 7:00 a.m.
17 and 6:00 p.m., and no operation shall be permitted on Sundays except repairs to equipment
18 and improvements.
- 19 k. On-site retail sales of finished compost shall be permitted if specifically approved by the
20 Hearing Authority.
- 21 l. The structural elements of the roads serving the site shall be adequate for the truck traffic
22 to be generated by the composting facility. The petition shall include a road condition study
23 to allow the hearing authority to make this determination.
- 24 m. The Conditional Use Plan submitted with the petition shall show the following:
- 25 (1) Survey boundaries of the subject property.
- 26 (2) Existing natural features including streams, ponds, springs, and wetlands.
- 27 (3) Existing and proposed topography.
- 28 (4) Setback and buffer area, including type of screening and fencing.
- 29 (5) Portion of tract to be used for composting operations, including the location and layout
30 of:
- 31 (a) Yard waste unloading, receiving and storage areas;

- 1 (b) Yard waste processing areas, including areas for grinding, screening, mixing and
2 other operations to prepare yard waste for composting;
3 (c) Composting areas;
4 (d) Compost curing areas;
5 (e) Compost final product preparation areas (screening and other operations); and
6 (f) Finished compost storage and loading areas.
- 7 (6) Existing and proposed structures and major mechanical equipment.
8 (7) Existing and proposed access driveways.
9 (8) Water supply (including quantity requirements) and sewage disposal.
10 (9) Storm water management facilities for quantity and quality control.
11 (10) Facilities for storage and treatment of leachate and any other liquids generated by the
12 operation.
13 (11) Other existing or proposed *uses on the site*.
- 14 n. An Operations Plan shall be submitted by the applicant to enable the Hearing Authority to
15 evaluate the potential impacts of the proposed use. If the petition is approved, substantial
16 changes to the operations plan shall not be implemented without prior approval of the
17 Hearing Authority. The plan shall provide the following information:
18 (1) Types, anticipated quantities and sources of yard waste.
19 (2) Methods by which unacceptable wastes delivered to the facility will be identified,
20 segregated, and handled for removal and disposal.
21 (3) Off-site location where unacceptable wastes delivered to the composting facility will
22 be disposed of.
23 (4) Methods by which waste quantities delivered will be determined including weighing
24 facilities to be provided.
25 (5) A description of major items of equipment and associated capacities.
26 (6) A description of proposed buildings and pads for storage, composting and processing.
27 (7) A description of yard waste delivery methods and requirements.
28 (8) A description of incoming yard waste handling and processing methods including
29 processing capacity and storage volume to be provided.

- 1 (9) A description of the composting process to be utilized including composting capacity
2 to be provided, composting technology, required composting time, and assurance of
3 acceptable level of pathogen reduction.
- 4 (10) A description of compost curing, handling and processing methods including
5 processing capacity and storage volume to be provided.
- 6 (11) A description of finished compost storage, distribution and delivery methods and
7 requirements.
- 8 (12) Methods of controlling odors, dust, litter, noise, and insect or rodent infestation;
9 methods of insuring public safety; methods of preventing and, if necessary, controlling
10 fires; and methods of collecting and treating liquids generated by the use.
- 11 (13) Procedures for cleaning and maintaining the appearance of the facility, including
12 collection of litter and waste which falls from transport vehicles in the vicinity of the
13 site, including adjacent private properties and public roads.
- 14 o. A Rehabilitation Plan shall be submitted at the time of the Conditional Use Application for
15 approval by the Hearing Authority. The plan shall provide for the following minimum
16 rehabilitation program:
- 17 (1) All structures and machinery shall be completely removed and underlying excavations
18 filled to grade and planted in grass except structures or machinery that are to be
19 continued in operation for a use permitted under the zoning classification.
- 20 (2) All impervious surfaces shall be removed and properly disposed of. The areas from
21 which the surfaces are removed shall be backfilled with suitable soil and regraded as
22 necessary to provide adequate drainage. All such areas shall be planted in grass which
23 shall be maintained through one year's growth.
- 24 (3) All yard waste, composting material, and finished compost shall be removed from the
25 site and shall be disposed of in conformance with applicable laws or regulations.
- 26 (4) All access roads shall be suitably barricaded to prevent the passage of vehicles either
27 into or out of the abandoned area, except such access as needed for vehicles used in
28 rehabilitation work, until the plan for rehabilitation has been completed and a different
29 use necessitating access has commenced on the property.
- 30
- 31

Howard County Zoning Regulations.

Section 133. Off-Street Parking and Loading Facilities.

Section 133.0.D Minimum Parking Requirements for Specific Uses

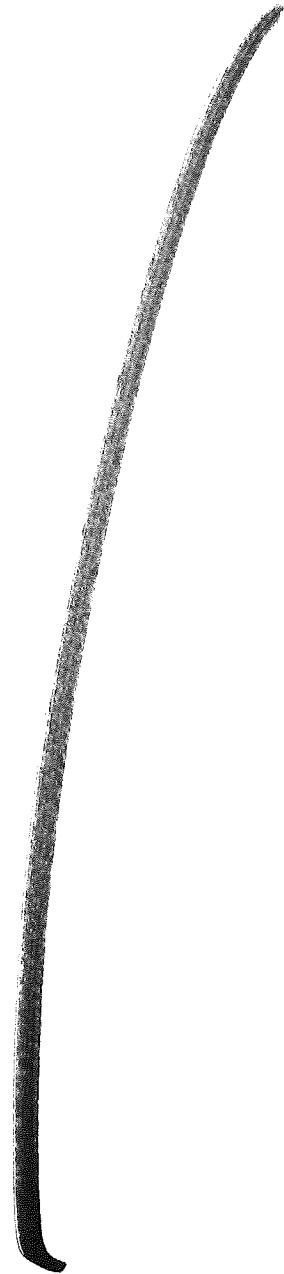
In the following text, "sf" refers to gross square feet of floor area unless net floor area is approved by the Department of Planning and Zoning. "DPZ" refers to the Department of Planning and Zoning. The parking for multiple uses shall be calculated cumulatively unless otherwise noted or unless approved in accordance with Section 133.0.F.

1. Accessory Uses to Residences

The following parking requirements for accessory uses shall be provided in addition to the required parking for the principal residence:

a. [[Accessory apartment]] ACCESSORY DWELLING UNIT	1.0 per [[apartment]] ACCESSORY DWELLING UNIT
b. Home-based contractors	1.0 space per nonresident employee working on the premises at the time of peak usage, plus 1.0 space for each visitor potentially present at the time of peak usage.
c. Housing by a resident of one to eight persons who are physically or mentally disabled or 62 years or age or older	One or two persons (other than family members): no spaces; 3 to 5 persons (other than family members): 1.0 space; 6 to 8 persons (other than family members) 2.0 spaces

Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland, that this Act shall become effective 61 days after its enactment.



Amendment 3 to Council Bill No. 3 - 2026

BY: David Yungmann

Legislative Day 2
Date: February 2, 2026

Amendment No. 3

(This Amendment removes the proposed minimum lot coverage exemption for Accessory Dwelling Units (ADUs) and adds new proposed maximum lot coverage standards for all detached accessory structures, including ADUs, in Section 128.0.A of the Zoning Regulations)

- 1 On page 41, in lines 12-13 after “structures” insert: “, INCLUDING ACCESSORY DWELLING UNITS,”.
- 2
- 3 On page 41, strike lines 15-19 in their entirety and substitute the following:
- 4 “(A) 600 SQUARE FEET FOR A LOT WHICH IS LESS THAN OR EQUAL TO ONE-HALF ACRE.
- 5 (B) 800 SQUARE FEET FOR A LOT THAT IS GREATER THAN ONE-HALF ACRE AND LESS THAN OR
- 6 EQUAL TO ONE ACRE.
- 7 (C) 1,200 SQUARE FEET FOR A LOT WHICH IS GREATER THAN ONE ACRE AND LESS THAN OR EQUAL
- 8 TO TWO ACRES.
- 9 (D) 2,200 SQUARE FEET FOR A LOT WHICH IS GREATER THAN TWO ACRES BUT LESS THAN OR EQUAL
- 10 TO 15 ACRES.
- 11 (E) 5,000 SQUARE FEET FOR A LOT THAT IS GREATER THAN 15 ACRES.”.
- 12
- 13 On page 41, in lines 24-25 strike both occurrences of “ACCESSORY DWELLING UNITS”.
- 14

Amendment 9 to Council Bill No. 3 - 2026

BY: David Yungmann

Legislative Day 2

Date: February 2, 2026

Amendment No. 9

(This Amendment would require any property owner developing an Accessory Dwelling Unit (ADU) to demonstrate that stormwater runoff will be mitigated to not impact neighboring properties.)

1 On page 43, in line 23, insert the following:

2 "H. ANY PROPERTY OWNER DEVELOPING AN ACCESSORY DWELLING UNIT MUST SUBMIT
3 PLANS TO THE DEPARTMENT OF PLANNING AND ZONING THAT DEMONSTRATES THAT ALL
4 STORMWATER WILL BE MITIGATED WITH NO IMPACT ON NEIGHBORING PROPERTIES."

5

6

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on February 6, 2026.

Michelle R. Harrod
Michelle R. Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on _____, 2026.

Michelle R. Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on _____, 2026.

Michelle R. Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on _____, 2026.

Michelle R. Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on _____, 2026.

Michelle R. Harrod, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on _____, 2026.

Michelle R. Harrod, Administrator to the County Council